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THE SCOTTISH JAMES MAVOR.  
UNIVERSITY OF TORONTO.  
RAILWAY STRIKE

1891

A HISTORY AND CRITICISM

BY

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## PREFACE.

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ALTHOUGH it is not yet possible to estimate even approximately the economic effects of the strike of the railway men in Scotland, there is a certain advantage in making a strictly contemporary record and criticism, ere the turmoil of the strife is over, and ere its incidents are forgotten. The closeness of our view militates against our realising fully the larger issues involved, and perhaps also prevents us from clearly apprehending the relations of the struggle to others of a similar character at home and abroad. An attempt will however be made to describe and discuss the strike in a dispassionate and scientific spirit, and to make some estimate of the place in the general labour problem, of the special questions that have been raised during its course.

J. M.

GLASGOW, 31st January, 1891.

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## LEADING DATES.

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1882-83—	Caledonian Railway Strike and Agitation among North British Railway Employees.
1889, September—	General Agitation for Ten-Hours Day.
1890, January—	Concessions granted by North British Coy.
17th August—	After Dissatisfaction among Certain Sections of Employees during the Summer, Meetings of Railwaymen held.
10th September—	Correspondence between Companies and Secretary of Society.
19th October—	Offer by men of submission to Arbitration, and proposal to Strike in the event of offer being rejected.
9th November—	Correspondence with Companies. Offer rejected. Meetings.
11th and 15th Nov.—	Correspondence with Companies.
23rd November—	Meetings.
30th November—	Meeting at Edinburgh.
7th December—	Meeting at Glasgow.
14th December—	Meetings in the Country. Delay resolved upon.
21st December—	Meetings at all Centres. Resolution to Strike forthwith carried.
27th December—	Public Meeting at Edinburgh to express sympathy with men.
27th December—	Dundee Negotiations.
31st December—	G. & S.W. men returned to work.
1891, 7th and 8th January—	Mr. Haldane's Negotiations.
9th January—	Glasgow Citizens' Meeting.
9th till 17th January—	Glasgow Citizens' Committee Negotiations.
21st and 22nd January—	Lord Aberdeen's Negotiations.
22nd January—	Civil Action raised by North British Compy. against Messrs. Milne, Tait, etc.
24th January—	Large body of men return to work on Caledonian System.
29th January—	Settlement with North British Railway.
31st January—	Settlement with Caledonian Railway.

# THE RAILWAY STRIKE.

## CHAPTER I.

### NARRATIVE OF THE TRANSACTIONS PRIOR TO THE STRIKE.

The agitation for reduction of hours in the railway service in Scotland may be said to have formally begun in 1882. In January, 1883, the men employed on the Caledonian Railway engaged in a strike, and though the attempt to reduce the hours of labour may be described as a partial failure, the ultimate result was a considerable modification of the conditions of employment in that company. In the same year, deputations from the employees made representations to the North British Railway Coy., with the result of at least certain nominal concessions. The demand of the men at that time was for a working day of nine hours.<sup>2</sup>

In the case for the North British Railway Coy., as stated in the "Circular to Staff, 15th November, 1890," the agitation of 1883 is represented as having been based upon a desire for increase of wages, rather than for a diminution of labour. This construction is, however, repudiated by the men, as is also the statement that the present agitation has any such object.<sup>3</sup> During the years subsequent to 1883, strong efforts were made to consolidate the Amalgamated Society of Railway Servants in Scotland, and while this was going on, public representations by the men to the companies fell for the time into abeyance. A demand for a normal working day of ten hours for all grades was formulated in the autumn of 1889, and presented to the

(1) It is alleged, however, that the men in the mineral department lost rather than gained ground by changes in the summer of 1883.

(2) North British Railway Company. Circular to Staff, 15th November, 1890.

(3) Report by Executive Committee Amalgamated Society of Railway Servants, 23rd November, 1890. On this point see below, page 28.

companies. In January, 1890, the managers of the North British Railway received deputations from certain sections of their men, and "concessions" were again granted.<sup>1</sup> Some sections, however, "declined to comply with the request of the directors to meet representatives from the departments separately for the consideration of any grievances they might have."<sup>2</sup> The North British Railway Company thus admitted the existence of unallayed discontent in their service; but they alleged that the men concerned had been invited to come forward and state their grievances, and that they had not done so. In the case for the men, the reduction of the hours of labour of certain classes is admitted as the result of the negotiations of January, 1890.<sup>3</sup> These concessions are, however, represented to have amounted to a reduction to an eight hours day for only six per cent. of the men employed in signal cabins on the North British system, while "94 per cent. continued to be employed for twelve hours, and in some instances for fourteen or fifteen hours." From the point of view of the men, therefore, the concessions of January, 1890, were inadequate even as regards the class of signalmen, while the other classes—engine-drivers, firemen, etc.—were practically unaffected. The expression, "others who declined to comply with the request of the directors to meet and discuss their grievances with the manager,"<sup>4</sup> doubtless refers to these classes.

During the year 1890, the North British Railway was the chief scene of disaffection, and the disaffected were mainly in those grades whose claims were not placed before the manager and directors by deputations in grades separately. On the face of it, this looks a reasonable position for the railway company, and a correspondingly unreasonable position for the men. The *rationale* of the situation is, however, that the men, rightly or wrongly, suspected that the members of the deputations from the grades, whoever they might be, would be "marked" men ever after, and that they would be degraded or dismissed at the first

(1) N. B. Railway Circular to Staff. Op. cit. (2) *Id.*

(3) Report Executive Society. Op. cit. (4) Circular to Staff. Op. cit.



opportunity.<sup>1</sup> This suspicion, justified or not, has influenced so very largely the whole bearing of the men, both before and after the strike, that it cannot be passed over, though it is extremely difficult to form a judgment upon a matter which could only really be cleared up by examination of a great number of witnesses on oath in a court of justice. No doubt a large part of the feeling is the outcome of the general suspicion which is unfortunately characteristic of many classes of workmen ; but the prevalence of it, and the number of instances of which details have been given by the men, suggest either acknowledgment that the feeling is not groundless, or a judicial inquiry. Such proceedings as are alleged to have taken place might well have escaped the knowledge of the superior officials of the company. Indeed, the men insist that the superior officials are not aware of the real state of matters.

During the summer of 1890, the congestion of traffic on the North British system, following upon the opening of the Forth Bridge and its connections, became notorious. Much of this congestion was no doubt due to the inadequacy of the accommodation at Waverley Station, Edinburgh ; but there is probably some weight to be attached to the statements that trains have had to stand owing to the staff having refused to take duty until they had secured "an amount of rest," and that "extra men" had to be called out on Sundays to clear up the yards "for a more favourable start at the commencement of the week."<sup>2</sup>

It is alleged by the men that the conditions of work became more and more severe during the summer and early autumn of 1890. Meetings of the men were held in August and September, and a series of formal demands were made by them through the secretary of their society to the companies. The demands of the men were formulated in the following terms :<sup>3</sup>

(1) "The unsafe proposals of the companies to meet the men in grades is not only obsolete in the regulation of the conditions between employers and employed, but has had disastrous results in the flower of the delegates afterwards being dismissed."—Report Executive Amalgamated Society Railway Servants, 24th November, 1890.

(2) Report Executive. Op. cit.

(3) Circular Letter to Companies, 10th September, 1890.

"1. That a universal ten-hours day be the maximum day's work for all grades of the service.

"2. That the custom of reckoning hours of labour by an aggregate fortnight's work be dispensed with, and that each day stand for itself.

"3. That time-and-a-quarter be paid for overtime.

"4. Time-and-a-half pay for Sunday duty; such to be reckoned from 12 p.m. on Saturday to 12 p.m. on Sunday.

"5. That eight hours be the maximum for yardsmen, shunters, ground pointsmen, and locomotive men, and others engaged in busy shunting yards.

"6. That more cabins at present working on the twelve-hours system be placed on the eight hours per day system.

"7 That a universal agreement for regular annual holidays be put into practice.

"8. That the running of trains on the "trip" or contract system be abolished.

"9. That a mileage system be arranged for passenger and goods trains.

"10. That, owing to the whole time of all grades being at the disposal of the companies, it be a condition of service that all men be guaranteed a week's work, and when called out for duty at any time, or waiting orders by instruction, a full day's pay be paid, and the custom of booking men off duty for periods during the running of their maximum day's work be abolished."

To this circular the railway companies replied to the effect that any grievances could only be discussed by deputations from the grades in the usual manner.<sup>1</sup> For the reason explained, the men wisely or unwisely rejected this mode, and desired the companies to submit the matters in dispute to arbitration. At meetings, held in various districts on Sunday, 19th October, this course was decided upon, and a threat formally made that if the companies rejected the offer of arbitration, a strike was the alternative. To this offer to submit the question at issue to arbitration, the manager of the North British Railway Company replied: "There is no question at issue,"<sup>2</sup> and went on to say that the whole subject had been gone into in 1883, and that the reforms then initiated, as well as the subsequent

(1) There is singular unanimity among the men as to "the usual manner." "I enquired of the men (at Bathgate) if they had ever laid their grievances before the Company. 'Oh, yes, we have done so by written communication, and even by deputation, but without result. Many of our communications were never acknowledged.'"—*Citizen Inquiry*, Fifth Article.

(2) Circular to Staff, 15th November, 1890.

reforms of January, 1890, as regards the hours of signalmen, were still in progress.

Meetings were held at Glasgow and elsewhere on 23rd November, at which this and other replies were read to the men, and at which the Executive announced that they recommended "cessation of labour," with the object of compelling the companies to grant their demands. They professed themselves confident of their ability to provide the necessary funds, and asked the men to send to the secretary of the society their notices of resignation for transmission to the railway companies in whose service the men were respectively, if and when the Executive thought a sufficient number of notices had been received to justify such action. The question of notice is so important, and has filled so large a place in the public controversies on the subject, that it is advisable to give in full the relative paragraph of the Report of 23rd November, by the Executive of the Society of Railway Servants :

#### NOTICES OF THE MEN.

"The committee, in deliberating upon this important point, had before them the legal opinions of three eminent men, along with the result of inquiries at other trade unions, and are unanimously of opinion that the usual notices of the men should be given in, and their contracts honestly fulfilled. The rule-book of each company has been carefully gone over regarding the necessary notices to be given by the various grades, which on the three lines range from one week to a month. The men may rely upon their notices being presented according to the terms of their agreement, and at a time to secure that all railways must stop work according to the conditions and time hereafter specified.

#### DATE TO CEASE WORK.

In consideration of the length of notice required by some companies, and for the purpose of all stopping on one date, the committee have decided to fix Wednesday, 24th December, as the day when all work shall cease. By that period ample time is given for them to carry out the many important arrangements incidental to having the notices sent in. The following is the manner determined upon by the committee for tendering the notices of the men : The cards which every man will have signed will immediately after the meeting be forwarded to the general office, where a staff of clerks will be employed in tabulating and compiling the notices. This will take a day or two to accomplish. During this time the addressed

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post-cards from those who are not at the meetings to-day will also be coming to hand. *They must be placed in the hands of absentees immediately,* and the names of men to whom they were given taken, so as a check be kept of any backslider. After such is done, and it is seen that a sufficient number has fortified the committee to take steps, they will be handed in to the companies. The committee, however, wish to make it perfectly clear that if a sufficient majority does not give them the requisite power to act, that the notices will not be presented, as, however anxious they are to see a cessation of labour, they are determined that no partial stoppage with their sanction shall take place, which would tend to result in failure, and many of our best men sacrificed."

On 30th November and on 7th December meetings were held in various railway centres in Scotland. It was evident that while the men in Glasgow and Edinburgh were enthusiastic in favour of a strike, the men in the country districts were apathetic. The reasons are obvious. Work is less severe in the country than in the town. The country men live in small groups thinly scattered over a large area. They have been totally unaccustomed to corporate action, and they are stationary in their habits. Nevertheless, by the 7th December, 4,173 notices of resignation had been handed to the Executive. At the meetings held on these dates, and on the 14th and 21st December, the Executive intimated that they did not consider that the number of notices justified a cessation of labour. The Society of Railway Servants in Scotland has a membership of 9,000, and the number of notices showed that only a minority of these were in favour of a strike, while the views of the large number of non-members were quite unascertainable.

During November and December the current of feeling among the men was apparently against the Executive. They were looked upon as throwing cold water upon the proposed strike.<sup>1</sup> The mutterings of discontent found expression

(1) "A man who was sitting in the area of the hall said he was disappointed at the character of the meeting. He had come there prepared not to start work again, or at all events not to start after Monday week. (Applause.) What was proposed by the Executive was a retrograde in place of a forward movement. Cards similar to those which they now held were sent to them twelve months ago. He did not intend to sign his one, and he knew that a great many others were of a similar mind. He moved as an amendment that the report should not be adopted, but that the men should agree to cease work a week hence. The amendment was received with loud and prolonged cheering. The mover, continuing, said he was aware that the proposal was not according to law, but

in Glasgow in a proposal to give a week's notice on the 14th December for a strike on the 21st. The counter-proposal of the Executive for delay was, however, carried on the 14th December at several meetings in the country. These meetings were, it is stated, attended by 2,100 men, of whom 600 voted for the proposal to give a week's notice at once, and 875 to abide by the decision of the Executive not to strike until the number of resignations justified such action. At the meeting held in Glasgow on 21st December, the Executive announced that additional notices of resignation were still necessary, and that they continued to refrain from advising an immediate cessation of labour. "A man in the gallery"<sup>2</sup> "moved that they do not resume work," and this proposal was carried amid a scene of great excitement by 660 to 81.<sup>3</sup> The news was telegraphed to meetings held the same afternoon at Edinburgh, Motherwell, Perth, and elsewhere, and the motion for an immediate strike without notice was carried by considerable majorities at all the centres but one. "The man in the gallery" had apparently rightly interpreted the prevailing feeling.

it did not do to discuss legal points with men like railway servants, who knew nothing about law, and, further, had no time to consider it. (Laughter.) If they resolved on this course, the directors of the railway companies might put them in jail. If they did so, they would have something to live for; and they would be sure of their hours. (Laughter.)

A railway servant in the gallery of the hall also stated that he was dissatisfied with the report submitted by the committee. For the last fifteen years the men had had the same papers submitted to them over and over again. (Laughter.) He was distinctly in favour of an immediate strike. As the breaking of an agreement was not a criminal offence they could not be put in prison, and surely there was enough money in the society to pay the fine of any man who was proceeded against.

One of the men said that if the amendment was carried, and an immediate strike was not successful, the Executive Committee would at once turn round and say, "Oh! you should have done as we wanted, and all would have been well." The fact was the Executive were far too cautious. They had never made a spurt to get the society brought into prominence by risking something to win something. They had always wanted them to go on and go on. When the 24th of December came there were men who were superannuated on the North British Railway. They would lose their jobs and the superannuation allowance which Mr. Walker put forward so much, and then there would be nothing left for them but the poorhouse. (Laughter.)

A member of the committee said it was not the fault of the Executive that they had acted as they had done. The remedy lay with the men. If they did not want a cautious Executive they should elect men who were not cautious. (A voice—"The Executive are there to do what they are bidden." Applause.)"—Report of Meeting at Glasgow, *Glasgow Herald*, 24th November, 1890.

(2) *Glasgow Herald*, 22nd December, 1890.

(3) The exact figures were—

	For an Immediate Strike.	Against an Immediate Strike.
Caledonian, . . . . .	356	22
North British, . . . . .	231	27
G. & S Western, . . . . .	73	32
	660	81

## CHAPTER II.

## THE LEADING EVENTS DURING THE STRIKE.

Though the agitation for the reduction of working hours had been going on for at least seven or eight years, and the agitation for a ten hours day for more than a year, and though a strike had been in the making for at least two months, the resolution suddenly to cease labour without legal notice was carried, so far as an outsider can judge, by a spontaneous rush. The men were weary of the apparently never-ending and fruitless correspondence between their secretary, Mr. Tait, and the railway companies.<sup>1</sup> They found, or thought they found, an obstinate indisposition to improve their conditions of labour; they saw their work become weekly more and more severe; they suspected that their presence in the ranks of the agitators might compromise them with the managers of the companies; and, above all, they learned that the employees of the North Eastern Railway had secured substantial changes in administration by means of a conference between the directors of the company and Mr. Harford, secretary of the English Railway Servants' Society. Thus, on the one hand, disgusted with their own position, and on the other encouraged by the successful result of the decisive measures adopted by their brethren in the North of England, a section of the men sufficiently numerous to carry their point at the meetings of the railway servants decided not to return to their employment. In so doing they disregarded the advice of their Executive Committee, and forgot or ignored the probable illegality of their action. Although this rather risky manœuvre gave the strikers an immediate strategic advantage, it is very doubtful whether the sudden cessation of labour without notice was deliberately adopted with the view of securing this advantage. The indications of the course of events go to prove the contrary. Indeed there is little doubt that the men did not realise at the

(1) The first definite proposal to strike had been made on 19th October, and two months had elapsed.

time, precisely the view that might be taken and was extensively taken, of their action. Their Executive had very properly sought legal advice<sup>1</sup> on the subject of notice, and had consistently declined to advise a strike in which a comparatively small minority would be involved, probably only to their own personal sacrifice. But the constant deferring of the moment of engagement is more demoralising to troops than a partial defeat, and the men who were eager for a strike, instinctively felt that unless they made a decisive movement at the critical hour on the 21st December, 'their spirits would be worn out before the struggle began.'<sup>2</sup> The step, bold and irregular as it was, was successful at least in securing the endorsement of the general body of the men.

On Sunday night, 21st December, there were throughout Scotland upwards of 3,000 men on strike; on Monday, 22nd, there were 4,000; on 23rd, 5,000 to 6,000; and by Christmas Day 8,500 to 9,000.<sup>3</sup> These figures are given with due reserve. It is impossible, amid the conflicting statements, to arrive at an accurate series of figures. Indeed, the very large amount of coming and going among the men rendered the collection of correct statistics of the number on strike at any particular moment quite impracticable. Apart from errors made in good faith, it is probable that, as in most strikes, statements were made, both by the officials of the companies and by the men on strike, which were for tactical reasons exaggerated or minimised as suited the purpose of the moment.

The railway companies were completely taken by surprise. They had not made, perhaps they could not have made, provision for the conduct of the traffic without the services of the strikers. The result for a time was utter chaos. The internal transport of the central, eastern, southern, and western districts of Scotland was for a day or two utterly paralysed. The strike

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(1) See above, page 11.

(2) The question of notice is more fully discussed on pages 46 and 50.

(3) For estimate of the total number of railway servants in Scotland, and of those affected by the strike, see page 23.

was most heavily felt by the North British Railway, and less heavily by the Caledonian and the Glasgow and South-Western Railways.

The chief incidents of the struggle can only be briefly summarised. A reduced passenger train time-table was prepared for all the lines. From the 22nd December onwards, for at least four weeks, the depôts of the companies were blocked with goods, and unmanned engines were rusting in their sheds. The quantity of minerals moved for weeks, excepting by traders' own engines, or by engines manned by traders, was insignificant. For several days the Vale of Leven, the Aberfoyle, and other lines were closed for traffic. The Glasgow Underground (City) Railway was closed for circle trains from the beginning of the strike till 28th January, a period of five weeks.

It is not too much to say that on Monday, Tuesday, and Wednesday, 21st till 23rd December, the passenger, goods, and mineral services in Scotland were disorganized to the extent of paralysis. Signalmen had left their cabins, engine drivers had left their engines and their routes, and new men could not be trained to unaccustomed work at a day's notice, even if new men could be found to take the places of those who had gone.

All this produced an incalculable amount of public loss and inconvenience. The days between the beginning of the strike and the New-Year holidays were fruitful of suffering to all classes of the community. Many public works were closed almost immediately owing to the want of fuel. It is hardly likely to be an overestimate that 100,000 persons were granted an unwelcome extension of holiday. At the works of the Singer Company at Kilbowie, on the Clyde, upwards of 5 000 persons were thrown out of employment at once, owing to the North British Railway Company being unable to run the usual special trains from Glasgow to Kilbowie for the purpose of conveying them to and from their work. The passenger traffic of the Christmas and New-Year weeks was seriously impeded, notwithstanding the abandonment of the goods traffic in its



favour, and the concentration of the whole energies of the companies upon it. The real testing-point came on Monday, 5th January, when the public works would in the ordinary course have been opened, and when the goods traffic had to be dealt with or industry paralysed. Notwithstanding the adherence of a considerable proportion of their servants, and the influx of a certain number of "blacklegs," the companies did not succeed for several weeks in doing more than merely touching the fringe of the goods and mineral services. The chief incident, and one which affected a large group of complementary industries, was the want of coal. Stocks in Glasgow were soon exhausted, and though considerable quantities were carted from local pits to the enrichment of their owners, who sold their output at enhanced prices, steam coal for ships' use or exportation<sup>1</sup> was almost unprocurable, and steel works, engineering works, shipbuilding yards, and cotton mills closed their doors, and very many thousands of workmen were thrown out of employment.<sup>2</sup> Meanwhile the impossibility of procuring despatch for coal accumulating at the pitheads compelled the coalmasters to cease working, and in the mining districts thousands of miners became idle. Some were for the time supported by their trade unions.<sup>3</sup> The dearth of coal and the high prices charged by local dealers pressed most heavily upon the poorer classes, whose hardships were much intensified by the enhancement of the cost of fuel during the height of an unusually severe winter. The retail price of coal

(1) Coal Shipments from Scottish ports:

Decrease for Week ending		December 27th	Tons.
January	3rd	(Included on 10th)	47,548
Do.	10th		23,731
Do.	17th		29,040
Do.	24th		49,065
Do.	31st		22,277
Total,			171,662

(2) During the weeks ending the 10th, 17th, and 24th January, a very large number of the public works in the west of Scotland still remained closed.

(3) A curious instance of the instability of the relations between capital and labour, and of the highly arbitrary fixation of prices during periods of industrial emergency, is afforded by the case of a colliery in Fifeshire, where coal was being sold at the relatively high price of 17s. 6d. per ton. The men insisted on an advance in wages, which the employers promptly refused on the ground that the rise in price was only temporary. The men thereupon threatened to strike, whereupon the colliery owners reduced the price of coal from 17s. 6d. to 10s. per ton.

rose from under 20s. to 40s. per ton. A coal famine was imminent, and stoppage of the gas supply in Glasgow and Edinburgh was no remote probability. Coals were exported from the Tyne instead of from the Forth and the Clyde. Carts were employed to convey goods from the country manufacturing districts for distances up to thirty miles to Glasgow for shipment. Vessels waited for cargoes. Foreign merchants bought their goods elsewhere. On every hand one learned that trade was leaving the Scottish ports.

Even that part of the social loss which might be expressed in terms of money can hardly be estimated; the immediate effects were so widespread and the indirect effects quite incalculable, while the loss otherwise can only be dimly guessed at.<sup>1</sup> Both sides were equally obstinate, and apparently equally indifferent to public opinion. The daily newspapers were, with three exceptions, opposed to the action of the men,<sup>2</sup> and opinion on the exchanges was wholly against the strikers.

During a crisis such as that produced by the strike, the tension both of the public mind and of the minds of the strikers is very high, and the likelihood of causing important changes in the situation by the propagation even of an unfounded rumour is an inducement to some people to make the attempt. While spurious rumours are alleged to have been set afoot by strikers, the strikers declare that panic among them was artificially promoted by officials.

The prevailing feeling was undoubtedly one of condemnation that the men had, by striking without notice, at once embarrassed the railway companies and endangered the public safety, both as to transport of persons and of supplies. Yet there was an undercurrent of feeling, which found frequent expression at public meetings in Glasgow and Edinburgh, and

(1) See page 24.

(2) The important service rendered to the strikers even by the newspapers whose leading articles were antagonistic to them ought, however, to be specially noticed. The strike began at a time when Parliament was not in session, and pages were daily devoted to full and accurate reports of the meetings. The prominent position in public attention occupied by the strike was due largely to this. The statements communicated to the newspapers, on behalf of both sides, as to the state of traffic from day to day are, however, to be received with caution.

otherwise, that the grievances of the railway men would have to be remedied somehow.

Aid came to the companies from local firms, who lent private engines with the services of drivers, and from the English railways in conducting the traffic to the south. Aid came to the men from trades unions, both in Scotland and in England, in shape of money and "agitators." Incidents familiar in the great English strikes became commonplaces. "Picketing" was extensively adopted.<sup>1</sup> Collisions between the strikers and their sympathisers and the police took place. Outrages upon railway property occurred; and some of these were traced to men on strike. Railway accidents due to ignorance or want of skill on the part of the men employed to replace the strikers happened almost daily.

Apart from the various attempts at negotiations for settlement, which will be noticed later, two leading incidents happened in the course of the strike. These were the defection of the men employed by the Glasgow and South-Western Railway, and the eviction at Motherwell of the families of about a dozen of the strikers from houses belonging to the Caledonian Railway Company.

From the first it was felt by the general body of the men that their weakest section, from a combative point of view, was that which consisted of the employees of the smallest of the three railways concerned. It was known that the men on the Glasgow and South-Western Railway had less reason to be discontented than the conditions of their work generally were not nearly so severe, and that a much larger proportion of the men than on the other railways had an eight-hours day.<sup>2</sup> The officials of the Glasgow and South-Western Railway, at all events, succeeded in winning back their men to work, long before the other lines saw their way out of the mess. The effect of this upon the *morale* of the remainder of the strikers was considerable, and it required all the powers of those who had stepped or had been thrust into the position of leaders to prevent wholesale defections from following.

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(1) See pages 41 and 52. (2) See page 26.

On Monday, 5th January, the families of about a dozen engine-drivers and others on strike were evicted from houses belonging to the Caledonian Railway Company at Motherwell. These evictions were carried out with a great display of military and police force,<sup>1</sup> under the command of the sheriff of the county, in presence of some twenty or thirty thousand people. The roof of the railway station and a signal-box were wrecked by rioters, and the Riot Act was read to a turbulent mob. In the excited state of popular feeling the agents of the railway company yielded to the representations of the authorities, and decided to refrain from risking further violence, by deferring proceedings for the eviction of the remainder of the striker-tenants.

One of the characteristics of the strike was the great amount of coming and going. Many men seem to have struck, returned, and struck again. The fear that the strike was collapsing, again and again produced more or less severe panic, and towards the close of the fifth week panic was really the chronic condition. After the Glasgow and South-Western Railway had overcome the strike, so far as their system was concerned, the Caledonian Railway succeeded to a certain extent in inducing return to its ranks, until by the close of the fifth week it was announced that the vacancies on the line were practically filled up. This seems to have led to a panic among some of the Caledonian men who still remained out, and they further weakened the position of the men on strike by taking service with the North British Railway. Meantime, however, there can be no doubt that many men who had been employed by both railways in the emergency became dissatisfied with the conditions of work and left the services. All this makes it difficult to form an estimate, but probably at the end of the fifth week the ranks of the strikers did not number more than 3,000.<sup>2</sup>

Notwithstanding the immense loss which was daily being

(1) It would appear from the reports in the newspapers that none of the strikers concerned offered any resistance to the proceedings, some of them even having previously removed from the houses.

(2) The alimient which had been paid by the strike committee. Glasgow, for four weeks at 10s. was at the end of the fifth week raised to 12s. 6d. ; at Edinburgh it was 17s. 6d. for unmarried and 20s. for married men.

incurred, the directors of the companies did not move from their position. "Return and we shall consider your grievances," was the invariable burthen of the statements of the manager of the North British Railway. The Caledonian Company went a little further than this. They definitely refused to concede a universal ten-hours day.<sup>1</sup>

On Friday, 23rd January, Mr. Channing moved in the House of Commons a resolution expressing the view "that the excessive hours of labour imposed on railway servants constitute a grave scandal and a constant source of danger, and urging that the Board of Trade should be empowered to issue orders directing railway companies to limit the hours of work of special classes of their servants, or to make such a reasonable increase in any class as will obviate the necessity for overtime work."

Although the Government did not accept the resolution, because its adoption would have committed the House to definite legislation on the subject, the president of the Board of Trade offered to move the appointment of a Select Committee to inquire how far the question could be dealt with by legislation.<sup>2</sup>

The sixth week of the strike opened with a settlement still hopelessly in the distance. The commercial community viewed with despair the prospect of the indefinite continuance of indifferent transport facilities. At the best, both the Caledonian and North British Railways were maintaining but a partial service, the heavy mineral traffic being almost absolutely at a standstill.<sup>3</sup> The prospect of drastic legislative interference probably helped to quicken the action of the

(1) "Sir James King said . . . 'He desired to make it clear that the company did not see their way to concede a ten-hours day all round, and that they could not agree to recognise the Executive of the Amalgamated Society, but on the men returning to work, the directors would be quite ready to consider and remedy any grievances in connection with the service which might be brought before them, so far as these were reasonable.'"—*Evening Times*, January 14th, 1891.

(2) Mr. Channing's motion was lost on a division by 141 to 124—a majority of only 17 for the Government. Sir M. H. Beach afterwards intimated his intention of moving for a Select Committee.

(3) The weekly decrease in coal shipments proves this. See page 24.

directors ; while the increase in the number of more or less serious outrages during the fifth and sixth weeks had probably an influence both on the attitude of the public mind and on the policy of the leaders of the men on strike. The continuance of the struggle was beginning to open up serious questions for everyone ; and the civil action undertaken by the North British Railway Company against the Executive of the society had apparently rendered an amicable settlement more hopeless than ever. This was the situation when, on 29th January, a meeting took place between the manager of the North British Railway and representatives of the men, with the result that a settlement was arrived at so far as that company was concerned. Two days later a similar meeting took place between the manager of the Caledonian Railway and delegates of the men with a similar result. Thus, on 31st January, after having run a course of six weeks, dismal alike for the public, the strikers, and the companies, the strike came to an end.<sup>1</sup>

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(1) Cf. page 39.

## NOTE I. TO CHAPTER II.

The relation of the numbers on strike to the total numbers of railway servants is not at present readily ascertainable. It has been stated for the Caledonian Railway Company that the total number of its employees was prior to the strike 14,600. This figure must include, however, all employees whatsoever, and some thousands must be deducted for those who could not under any conceivable circumstances be affected by the strike. The grades involved were chiefly guards, engine-drivers, firemen, signalmen, and examiners. The total numbers of these grades in the employment of the companies, as at March, 1890, were as follows :

Name of company and class of servant.	Number of each class employed.	Name of company and class of servant.	Number of each class employed.
CALEDONIAN.		G. & S. W.	
	Mar., 1890.		Mar., 1890.
Passenger guards, - - -	157	Passenger guards, - - -	71
Goods guards, - - -	588	Goods guards, - - -	219
Engine drivers and firemen, - -	1426	Engine-drivers and firemen, - -	575
Signalmen, - - -	850	Signalmen, - - -	383
Examiners, - - -	105	Examiners (not stated),	
C. R. totals, - - -	3126	G. & S. W. totals, - - -	1253
NORTH BRITISH.			
Passenger guards, - - -	193	C. R. totals, - - -	3126
Goods guards, - - -	645	N. B. do, - - -	3594
Engine-drivers and firemen, - -	1593	G. & S. W. do, - - -	1253
Signalmen, - - -	1023		
Examiners, - - -	135	Grand totals, - - -	7973
N. B. totals, - - -	3594	Parliamentary Return C.—6158.	

Since other classes, of the numbers of which no reliable statements are available, were involved in the strike, it would not be quite fair to infer from these figures that the estimate of the number of men on strike on Christmas Day, given by the newspapers at 8,500 to 9,000, was utterly wide of the mark, though it was perhaps an over-estimate. At the height of the struggle, when the maximum number of men were out, it is probably fair to say that of the 7,973 men of the grades above mentioned, at least two-thirds were on strike. The total number of railway employees of all grades in Scotland is perhaps about 35,000.

## NOTE II. TO CHAPTER II.

The direct loss to the companies cannot be estimated by merely adding the weekly decrease on the traffic returns, although this item alone amounted to a large sum, exclusive of the increase that would have accrued but for the strike.

	Caledonian.	North British.	G. & S. W.	Totals.
Decrease for week ending	£	£	£	£
December 27th, - -	10,101	8,324	8,404	26,829
January 3rd, - -	7,903	30,557	2,825	41,285
— 10th, - -	11,315	15,952	+423	26,844
— 17th, - -	6,753	11,192	+210	17,735
— 24th, - -	1,207	13,493	+345	14,355
— 31st, - -	+1,137	10,921	+885	8,899
	36,142	90,439	9,366	135,947

A portion of this decrease is no doubt due to deferred rather than to lost traffic, but the item of repairs for damage to rolling stock by inefficient employees is alleged to be considerable, and the actual costs in high pay to "blackleg" labour, and in expenses entailed by the strike, have been very heavy. In bonuses to "loyal" employees each of the companies dispensed the amount of one week's pay. It is to be remembered also that the companies boarded and lodged very large numbers of their employees during the strike. The cost of doing so practically doubled the amount paid in wages to the men concerned. A reliable estimate of the total direct loss to the companies can hardly yet be made, but the estimate of £200,000, arrived at by adding together the estimated amounts of the individual items of direct loss mentioned, is probably well within the mark. The depreciation in the market value of the capital stock of the Scottish railways is also a serious item. In the case of the North British Railway this has been most marked. In the first week of October 1890, before a strike was threatened by the men, the stock stood at 61, during the strike it touched 49, a fall of 20 per cent. This depreciation is possibly temporary; but there can be no doubt that the strike and its effect upon the stock has to some extent shaken the confidence of investors in Scottish railways, which during the past few years have been rapidly rising in public favour and in market value. Caledonian stock has suffered only a fractional loss since 1st October. The loss in unpaid wages to the men on strike may be roughly estimated at £40,000. It is almost futile to estimate the aggregate loss to the individual members of the public. It is probably many times the amount of the combined losses of the companies and the men. Perhaps it would be rather an under than an overestimate to say that Scotland has lost a million during the six weeks of the strike.



## CHAPTER III.

*THE ISSUES OF THE STRIKE.*

## I.

## THE HOURS OF LABOUR.

The circumstances under which the strike took place unfortunately tended from the outset to obscure the real question at issue. The notoriety of the long hours of railway servants was forgotten in the reflection that the strikers had put themselves in the wrong by breaking their engagements. From the point of view of the railway companies, nothing could have been more fortunate than the reckless action of the strikers, for it enabled the directors to appeal with much success to the travelling and trading public for forbearance while contending against men whom they were able to show had disregarded legal obligations. But beneath and behind the notice question, and altogether separate from it, lay the fundamental cause of quarrel—the question of excessive spells of duty.<sup>1</sup> The figures supplied by the companies to the Board of Trade, whatever may be their value as disclosing the actual condition of affairs on any one of the lines, at least afford means of comparison. A glance at the table<sup>2</sup> will show at once that while the conditions of work on the Glasgow and South-Western Railway and on the Caledonian approximated to those on the great English lines, those on the North British

(1) Of 4,344 strikes in separate establishments in the United States (1881-86) for "reduction of hours" as a single issue, 1,055 succeeded, 966 succeeded partly, and 2,323 failed.—3rd Report of United States Commission of Labour, p. 1021. 3,770 of the strikes and 2,114 of the failures occurred in a single year (1886), the culminating point in recent American labour history.—*ib.*, pp. 1002 and 13. In 1889, in the United Kingdom, dissatisfaction with conditions of work, hours, material, etc., caused 139 strikes. Of these 62 were successful, 31 were partially successful, 42 were unsuccessful, and the results of 4 were unknown.—Parliamentary Report C.—6176, p. 30.

(2) See page 66.

were enormously more severe. These figures tend to confirm the widely prevalent impression, that the Caledonian and Glasgow and South-Western Railways<sup>1</sup> were dragged into the struggle with their men on account of the intolerable severity of the work on the North British system. The result was that when the other railways were gradually getting out of the mess, the North British was left alone to fight a gruesome battle with a body of men determined not to submit.<sup>2</sup> The statistics of September, 1889, and March, 1890, by no means, however, represent the state of matters later. It was in the summer of 1890<sup>3</sup> that the strain of traffic over the new lines was most severe, and the work hardest. Although the North British Railway Company had largely extended its lines and increased its traffic, it had made a merely fractional addition to its staff, and thus some of the men were kept on duty for periods altogether beyond permanent human endurance.<sup>4</sup> In

(1) "Speaking at a social gathering of the employees of the City Union Railway (worked by the Glasgow and South-Western Railway Company), held last night, Mr. Q. Y. Lawson, the manager, said that things on their line had been going on smoothly until the strike began. He was sorry that a number of their employees had been drawn into it. The directors had met the employees in a most handsome way, and when the statements of the men were analysed it was found there was little to complain of. The whole programme of the society had actually been in operation on the Union Railway for some years. Their signalmen had an eight-hours shift, a clerk assisted in all the important cabins, and the men were paid time and quarter for overtime and time and half for Sunday work. The company had been doing that for years, and the directors were surprised some of the men should have struck."—*Glasgow Evening Citizen*, 25th January, 1891. As regards the Caledonian Railway, Sir James King, deputy chairman, in meeting the Glasgow Citizens' Committee, "Pointed to what the company had done during the last 15 months entirely with the view of relieving the staff. During the last year the company had put on 50 additional engines daily, and had employed 150 additional men in the locomotive department, 55 additional yardsmen and brakemen, and 67 additional signalmen. All of this was done with the view of reducing the hours of labour, and it involved a very large additional expenditure. All through, the attitude of the directors towards their employees had been most conciliatory, and they had made great concessions in the different departments in wages, hours, holidays, premiums, and uniforms."—*Evening Times*, 14th January, 1891.

(2) See, however, page 40.

(3) "All classes of men in the North British service were unanimously of opinion that for long delays and congestion of traffic last year was the worst in their experience of 15, 20, and 25 years. This was clearly demonstrated in the vicinity of Edinburgh last summer, when it was no uncommon occurrence for a goods train to take seven hours to cover a distance of six miles."—*Glasgow Evening Citizen* "Inquiry," 4th Article.

(4) See table, page 66. Detailed statements of the work of individual men were given in the excellent series of papers, the result of the *Citizen* "Inquiry," Op. cit. A few instances are taken at random:—

March, 1890.—N.B. engine driver. Daily runs for the month averaged 17 hours; maximum number of hours on duty, 21; minimum, 12.

8th till 20th December, 1890.—N.B. engine-driver. Hours on duty, 14, 17, 00, 20, 14, 18½, 00, 20, 20, 13, 17, 12, 20. Average, nearly 17 hours. Sundays are included.

8th till 20th December, 1890.—N.B. engine driver. Hours on duty, 17, 20, 20, 11, 21, 00, 13½, 18, 16, 21, 16, 18½. Average, 17½ hours daily.

Date not given.—N.B. engine driver. Hours worked, consecutive days, 21½, 21½, 19, 19, 24. Ditto, 17½, 16½, 18, 24, 15.

order to provide for the cases of men who, while nominally on duty, are really not occupied during the whole of the time, as in the case of the servants at a country station, some elasticity in the arrangement of the number of hours is necessary. But no person can seriously maintain that the driver of a goods train between Edinburgh and Glasgow can possibly continue to work on consecutive days, 21½, 21½, 19, 19, and 24 hours for any considerable length of time. One of three things must happen—the man must die, or he must find some other employment,<sup>1</sup> or he must combine with others to compel his employers to treat him better. The last course is the one he elected to adopt.

The claim of the men as made three months before the strike<sup>2</sup> was for a universal maximum ten-hours day for all grades, with the abolition of the system of reckoning hours of labour by an aggregate fortnight's work, and, in the payment of wages, overtime to be calculated at time and a quarter. This remained as the leading issue of the strike until Mr. Haldane, in his desire to promote a settlement, succeeded in inducing the Executive to agree to a modification of this demand. The result of his negotiations<sup>3</sup> was the narrowing of the controversy to a single point, and the abandonment on the part of the men of a very important position. It is necessary to understand clearly how the system of aggregates works in order to appreciate the extent of the concession which the men were prepared to make. Up till the strike the normal fortnight's work was 144 hours. This number of hours might be made up in any way that suited the service. Thus, a man might conceivably make up in eight days his tale of hours for a fortnight. He would then begin to earn overtime, should he be required—as in the normal case he would—to work for four or six days more.<sup>4</sup> A

(1) Cf. page 63. (2) See above page 10. (3) See page 38.

(4) By an arrangement effected in 1889, and applying to certain grades, the Caledonian Railway Company appear to have succeeded in increasing the number of hours of work without a proportional additional cost to the Company. This arrangement limited the payment of wages for overtime to payment for one day per fortnight above the aggregate of 144 hours, irrespective of the number of hours actually worked. As a *quid pro quo*, the rate of wages was increased about 12½%. This plan may have been devised for the purpose

man might, however, be on duty for a spell of twenty-four hours thrice a week without earning any overtime at all. Under the new arrangements of the North Eastern Railway, the aggregate is not a fortnightly but a weekly one, the men being paid overtime after sixty hours per week. On the Midland Railway certain sections of the employees are paid not by the aggregate fortnight's work but by a daily reckoning.

It was this daily reckoning system which the Scottish railway servants wanted the companies to adopt for all the grades. Such a system is not now in use on any of our railways, but its advantages over the aggregate systems, as a means of checking excessive spells of work, is obvious. On the suggestion of Mr. Haldane the men abandoned the claim for the abolition of the aggregate system, and offered to content themselves with reduction of the aggregate from a fortnightly one of 144 hours to a weekly one of 60 hours.

It has been suggested that desire for increased wages was the fundamental reason of the strike.<sup>5</sup> The men deny this, and there is no reason to suppose that their denial is insincere. Assuming that the men really wanted more leisure—more time with their families, as some of them put it—it is difficult to see on what lines they could have proceeded other than those upon which they actually did proceed. Had they demanded a rigid and indiscriminate fixation of maximum hours beyond which they would not work on any terms, such a policy would have been hopelessly impracticable. Thus they sought reduction of hours by demanding the imposition of a fine for overtime. The principle of overtime is probably a bad one, since it does not necessarily secure any diminution

of lessening the inducement to the men to work overtime, and it certainly tends to effect its purpose; but it is alleged by the men to result in practical compulsion to work two, three, or more days for which no payment is made whatever, excepting in the increase in the weekly rate. It is alleged that though the men accepted this arrangement in 1889, its acceptance was really forced upon them, and that the great increase of traffic and consequent increased length of the spells of work have caused the bargain to be greatly to their disadvantage.

(5) By the manager of the North British Railway Company (see page 8), and notably by Sir Michael Hicks-Beach. See report, House of Commons debate, *Times*, 24th January, 1891.

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in the number of consecutive hours of duty or any increase in the public safety; it might be argued that, since overtime working would, on the adoption of the men's plan, involve higher pay, there would probably be less grumbling but more overtime than ever.<sup>1</sup>

It goes without saying that even had the demand of the men been made with increased pay as a motive, that of itself would not constitute an argument against its being granted. The diminution of the aggregate would involve the infliction of a penalty upon the companies for long spells of work, and thus tend to make these long spells less frequent, since it would be to the companies' interest to employ more men rather than to pay a less number 25 per cent. additional for overtime. The employment of additional men would probably be the effect of the proposed change; but so far as the new arrangement had not this effect, and assuming the amount of traffic to remain as it was prior to the strike, or to increase, it would be true, as the companies allege, that the wages of the men individually would be increased. The wages bill would also be increased by granting the demand of the men for a sixty-hours week, by so much as the difference between the cost of an aggregate fortnight of 144 hours and the cost of a period of 120 hours in two

(1) See, however, the statement of the Executive:

"Full and fair opportunity is only wanted to clearly show the directors that it is a reduction of hours that is wanted, and that no satisfaction will be given unless such is conceded. When, through their manager, the North British Railway Board say—'There is no doubt that the object of the present movement is to secure increased pay and not reduced hours,' they are but adding insult to injury to their staff. Such a statement leads us to ask if they are really aware of the condition of work their men labour under to-day—that passenger, goods, and mineral men are working from 14 to 24 hours of duty, and if through this strain they demand ordinary rest before being called upon to do a similar stretch of hours, the arbitrary hand of the foreman or inspector is laid upon them, and they are, in some cases, told to remain at home until they are sent for (an easy method of suspension), or if, through their physical energy being exhausted, they fall sick, when they go to resume duty, they are informed their place is filled, but they can start in a subordinate position, or if not content with that there is no work for them. Are they aware of such acts being done in their name? If they are, it reflects a sad state of commercial morality; if they are not, they should not prejudice men's actions, but meet those who can clearly and fearlessly prove that such is actually taking place. In the circular issued by the North British Board it is clearly shown it would be useless to meet them, as they desire, in grades, as the Board's mind is made up that their men do not want reduced hours. What is the use of meeting men whose minds are made up, and the men's claims prejudged? Another very important factor must not be forgotten, that it was only after the strike of the Caledonian men in 1883 that the North British manager met the men at all at that time." — Report of Executive, *Glasgow Herald*, 24th November, 1891.

weekly aggregates. This difference is not a simple numerical one, as might at first sight appear, since the two sums are different in character. The experience of manufacturing industry goes to prove that, within certain limits, reduction of hours means increased human activity. It is thus questionable how far it is true that the working expenditure of the companies would be materially increased by reduction of hours, were this accompanied, as it probably would be, by increased efficiency of labour.<sup>1</sup>

Consideration of the figures in Tables I. and II.<sup>2</sup> suggests a reason for the length of spells of work of Scottish as compared with English railway servants. Although exact comparison cannot be made owing to the disparity in the proportions of single and double lines in England and in Scotland respectively, the figures suggest that the Scottish lines are less amply supplied with locomotives than the English lines.<sup>3</sup> The number of locomotives on the English lines per mile open is nearly one per mile, while the Scottish lines have only a little more than half a locomotive per mile. The delays which occurred during last year were probably partly due to want of plant and want of station accommodation, but were also, it is alleged, partly due to the exhausted condition of the men.<sup>3</sup> They were working really at a minimum instead of a maximum of efficiency. Since delayed traffic is more costly in its use of plant than expeditious traffic, it is hardly open to doubt that a sufficient staff, whose hours are not pushed beyond the limit up to which the men are efficient, is more economical than an insufficient staff which frequently falls asleep over its work from sheer exhaustion. Many of the detailed grievances narrated at the meetings of the men on strike, and in the newspapers, might no doubt be easily set aside by the managers; but the broad fact remains that the North British Railway has been for nearly twelve months unable to cope with its increase of traffic owing to the opening up of its extensions. Although this company has shown more enter-

(1) See page 57 n. (2) See page 65.

(3) See note in Report Executive noted above, page 30.

prise in constructing new lines than any other railway company in Scotland, it has so far failed to reap the full advantage of its enterprise, owing to want of adequate administration of details, and consequent want of punctuality exasperating alike to the public and to its own servants.

This inability to cope with rapid growth appears also to have been the experience of the Caledonian Railway. It is alleged that some of their most important depots are seriously undermanned, and that the work can only be overtaken by the existing staff by means of systematic overtime working.<sup>1</sup>

Efforts upon the Caledonian line are alleged to have been concentrated largely upon the economical use of locomotive power. For example, until a few years ago the goods traffic between Glasgow and Carlisle was carried on by what was known as the single-trip system. This system involved the employment of twenty-four engines—twelve of which were housed at Carlisle and twelve at Glasgow. The journey was accomplished in nine hours, and the men in charge of the train slept at Glasgow and at Carlisle on alternate nights. The system was, however, abolished in favour of the double-trip system which is now in vogue. This system involves the employment of only six engines instead of twenty-four, and the accomplishment of a double trip in eighteen consecutive hours. The change was accompanied by an increase of pay, but the increase of work is reported by some, at least, of the men to have undermined their health. The saving in plant and other expenses, produced by the introduction of the double-trip system, has been, it is alleged, largely effected at the expense of the men.

It seems almost absurd to criticise the details of railway administration ; but it would appear that either want of means or want of administrative ability in dealing with *matériel* or with masses of men, or some potent force outside of the

(1) It is impossible to test the accuracy of these statements in detail otherwise than by a Parliamentary inquiry. St. Rollox, Glasgow, has been mentioned to me as a flagrant case of an undermanned depot.

administration, has dragged the companies and the country into the mire of a serious crisis. We are driven to give some weight to the two first-mentioned causes, unless we are to be absolutely sceptical of everything that is said for the traders and for the men, and blindly credulous of everything that is said for the companies. The extent to which the strike has been due to causes beyond the strict range of administration is discussed elsewhere.

The railway system is, in a sense, only in its infancy; many lines of the railways in Scotland are but partially developed; the two great companies have between them practically a monopoly of the internal transport of the country. Unless one is to take an extremely pessimistic view of the rapidity with which the exhaustion of the coalfields of Lanarkshire and Fifeshire is approaching, we can hardly fail to believe that the companies are just now in process of consolidating a property which must become progressively valuable. If the present service is pinched and straitened, in order that the property may become of greatly increased value to the future holders of the stock, it is a question as to how far this is justifiable from any point of view. If administration is going on such lines, it is opposed equally to the interests of the existing bodies of shareholders and of the companies' servants.

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## II.

### THE RECOGNITION OF THE UNION.

Although recognition of the Amalgamated Society of Railway Servants by the railway Boards was a material issue in the controversy, the repeated demands for a conference between representatives of the companies and representatives of the men was the only explicit formulation of it as an issue. Moreover, ere yet the strike had run half its course the demand for a conference had been expressly placed in abeyance by the



society, in order not to divert attention from the main issue—the question of hours.<sup>1</sup>

From the point of view of the railway companies it could not, however, be thus thrust into the background. As regards the Caledonian Railway, recognition of the union remained the substantial reason of the strike. No doubt the service of that company did not realise the men's expressed ideal in point of hours, and other grievances were also felt; but the adherence of the Board to the "graded system," with its traditions, impelled the men to demand conference between the directors and their own representatives, selected because they were independent of the penalties that might attach to audacious complainants in the company's service. The Board, on the other hand, founded upon the established custom of the company, and especially upon their rule-book, wherein the mode of the presentation of grievances was prescribed.

*Rule 15a.*—"Should any servant think himself aggrieved at any time he may memorialise the Board; but in such cases the memorial must be sent through the head of his department."<sup>2</sup>

It may be noted that this rule is probably of no validity excepting as a rule of administration, for the infringement of which the company may punish by degradation or dismissal. It is unlikely that infringement of it could be held to be a breach of contract, since the terms of it<sup>3</sup> involve the foregoing of a right now recognised, if not even explicitly sanctioned by law, viz., the right of combination.<sup>4</sup>

As regards the North British Railway, the relative importance of the questions was in a measure reversed. The position of the question of hours was felt to be intolerable by the men, and to demand immediate answer to the claim made by the Executive of the society; but the Board thought they saw

(1) In the Haldane and again in the Aberdeen negotiations.

(2) Rule-book, Caledonian Railway Company. This rule is not one of those common to the lines on the Clearing House system.

(3) No provision is made for more than one person memorialising the Board as one act. It is thus analogous to the similar provision as regards petitioning the Czar, and it is surrounded by similar associations.

(4) See page 41.

their interest to lie in adhering to the strictly technical rendering of their rules, and in declining discussion of the question of hours save by the "graded system." On both hands, therefore, although the men expressly left the point in abeyance, it remained as a material issue, obstinately opposed by the managers and directors of the companies.

Although comparatively few strikes have occurred upon "recognition of the union," as the ostensible or the leading issue,<sup>1</sup> it has really entered into almost all strikes, especially in the rudimentary stages of individual trade-union organisations. At a certain stage in the history of a union it is indeed the inevitable battle which must be fought. The experience of trade-unionists will probably universally confirm the statement that a strike has almost invariably preceded such recognition, and that, given substantial grievances and evil traditions associated with individual appeals for redress, the recognition of the union has been conceded as the immediate or the remote result of the strike.

It must not be inferred from this that trades-unionism and striking are permanently indissociably connected. Strikes occurred during the periods when combination was illegal, and they occur now where no unions exist.<sup>2</sup>

A union strong enough to strike, but too weak to hold together without a strike, is a danger to all concerned. A union, of which the bulk of a trade are members,<sup>3</sup> guided by an intelligent and trusted Executive, is more likely to be reasonable in its demands than a loosely aggregated mass, without common interests, full of jealousy and suspicion, and acting frequently from caprice.

(1) Out of 22,304 strikes in separate establishments in the United States (1881-86) only 58 occurred solely for "recognition of union," and of these 16 succeeded and 42 failed.—3rd Annual Report (1887) Commission of Labour, p. 1021.

(2) "There is no union in Macclesfield; but a united action on the part of the weavers has produced a cessation of work." Qy. 13 834. Third Report Depression of Trade Commission.

(3) The Amalgamated Society of Engineers, in the earlier stages of its history, experienced several strikes; but after all, in thirty-five years spent only 34 per cent. of its aggregate income in trade disputes, a portion of that amount being spent in assistance to other trades. Cf. Labour Statistics, C.—5104, p. 31.

Looked at simply as a means of dealing with employers,<sup>1</sup> through a representative instructed in the wants of the men and independent of the employers, the trade-union unquestionably places the men in the position of being able to make a more advantageous bargain than would otherwise be generally possible for them to make. And, moreover, it really enables the administrator of the labour of many thousands of men to learn and understand their feelings and grievances much more fully and accurately than it is possible for him to do through his subordinates, whose interest generally lies in preventing even the appearance of want of smoothness in working.

A workman is easily abashed by a superior official. He cannot state his case lucidly or fairly. He either overstates or understates it. In so important a matter as contracting with the leader of a great industrial army, especially a potentate so awful and unapproachable in his eyes as a railway manager, he feels that he needs an advocate well posted in the details of his industry, and possessed of a fluent tongue and a ready pen. He is willing to pay for such an advocate.<sup>2</sup> Thus the trades-union secretary becomes a necessity. There is no reason to suppose that he must be a nuisance to employers, or that he must be an autocrat to the men who employ him. Indeed, the contrary is generally the case. So much opposed are working-men to attempted autocracy by members of their own class, that they are frequently severe to rudeness to those whom they employ.<sup>3</sup> In the railway strike the men broke away from their secretary and their Executive, and carried out their design in their own way. That they did so is an incidental proof of the rudimentary character of their organisation.

(1) Apart from the question of labour combination, which is dealt with later, page 58.

(2) The abuse of the paid agitator, freely dispensed in the columns of the newspapers during industrial disputes, is no doubt sometimes deserved; but those who find themselves aggrieved by it are aware that similar abuse has at all times been dispensed to those who were not of the abuser's party, and has sometimes been heaped upon those who afterwards became popular idols.

(3) The meetings of Co-operative Societies afford frequent examples of this; and an instance of it in the present strike is given above. See Note, p. 12.

Had they been more accustomed to act together, they would have been more disposed to listen to the advice of their leaders, and they would not in that case have struck without notice. So far from the railway managers pursuing a wise course in refusing to treat with the representatives of the men, it is fairly clear that their policy in this regard has been extremely short-sighted. The future safe conduct of the railways really depends upon a cordial understanding between the men and their representatives, and between the representatives and the companies. The raising of the civil action by the North British Railway Company against the Executive of the Railway Servants Association occurred while the foregoing pages were in the press. This action concluded for £20,000 damages for having seduced and assisted the men on strike to break their engagements by leaving the company's service without legal notice. The leading points founded upon are: (1) That though the Executive in their published statements opposed the resolution to strike without notice, "in reality they countenanced and supported" it. (2) That, after the resolution was carried on 21st December, Mr. Tait, the secretary of the association, advised those present to go "at once and induce, if possible, those not present to join the strike." (3) That the system of picketing is illegal. (4) That the promise of strike-money held out to the men is a cause of the breach of engagement. (5) That the Executive had paid money to persons employed by the railway companies to replace the strikers in order to enable them to desert their employment. (6) That the members of the Executive had propagated false statements to the effect that it was unsafe to travel upon the company's lines. This action was entered on Friday, 23rd January, 1891, against William Milne, Chairman of Executive (and retired railway servant), Henry Tait, Secretary (and retired railway servant), James Paisley, Treasurer (signalman), John Smith (passenger-guard), Archibald Press (goods-guard), and Angus Macdonald (signalman), as individuals, and as representing the Committee of the Amalgamated Society of Railway Servants.

It is to be noted that this action was accompanied by a summary legal process known in Scots law as diligence, by which the pursuing company arrested the whole property of the defenders. The object of employing this process was, apparently, to enable the company to seize, at least temporarily, the funds of the society. These funds consisted mainly of money subscribed from day to day by other trade-unions and by the public. A sum of about £3,000 was arrested by this means. The withdrawal of the action was one of the conditions of the settlement.

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#### CHAPTER IV.

##### THE NEGOTIATIONS FOR SETTLEMENT.

Almost from the beginning of the strike, individuals and public bodies proffered their services as mediators. Among the earliest of the attempts at conciliation were those made by the magistrates of Dundee. Dundee had suffered heavily, both in its passenger and in its goods traffic, and it was generally felt that serious efforts at a compromise ought promptly to be made. Accordingly, on 29th December, the magistrates saw Mr. Walker, general manager of the North British Railway, who insisted upon the men returning to their work, on the understanding that their grievances should be afterwards considered.<sup>1</sup>

This proposal was rejected by the men, who regarded it as too vague. Having committed themselves to the serious arbitration of a strike on the 21st December, they felt that, six days afterwards, they could not abandon their position without some definite assurance that the conditions of their labour were certain to be modified.

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(1) The terms of the memorandum are important, since, with a certain modification, they formed the basis upon which a month later a settlement was finally made. "Mr. Walker agreed to meet a deputation consisting of an employee from each class of North British servants now on strike, and arranged for meeting the respective classes within the next fortnight to discuss any question that might be brought forward."—*Scotsman*, 31st December, 1890.

Earlier negotiations having come to nothing, Mr. Haldane, Q.C., M.P., attempted on the 7th and 8th January to arrange a compromise between the companies and the men on the basis of the settlement effected by the North Eastern Railway Company with their employees. His efforts were unavailing; but they made an important change in the situation, and narrowed the quarrel to a single point.

The strike had been fought on two issues. First, there was the question of hours; and second, there was the question of conference between the managers and the representatives of the men instead of conference by the "graded system."

Mr. Haldane succeeded in inducing the men to abandon the second issue, and to promise to resume work immediately on the directors undertaking to accept the principle of a sixty-hours week, or a ten-hours day "interpreted in a reasonable spirit."<sup>1</sup> Mr. Haldane put this proposal before the directors of the North British Company, and they gave the answer which they had already given to a deputation from Dundee, that they would discuss grievances only with the men after resumption of work, and then only by the graded system. The Executive of the society then issued a manifesto, throwing the responsibility of the continuance of the strike upon the companies, and announcing their determination to continue the struggle.

The representations by the Glasgow Citizens' Committee met with a similar answer from the North British Railway; while, on behalf of the Caledonian Railway, Sir James King

(1) The text of the memorandum submitted by Mr. Haldane to the directors, and rejected by them, was as follows:

(1) "The working day to be ten hours of actual work. This clause is to be interpreted in a reasonable spirit by both parties, and neither as compelling the companies to treat, for example, a porter at a roadside station as on the same footing as a porter at a large station where the work is continuous, nor as entitling the companies to exact from a porter at a roadside station an unreasonably long day's duty. This clause does not affect the existing rates of wages. (2) Overtime to be paid for after sixty hours per week have been worked. (3) Overtime to be paid for at the rate of time and a quarter. (4) Sunday work to be paid for at the rate of time and a half. (5) For shunters and yardsmen in busy shunting yards, and signalmen at important signal cabins, eight hours to be the maximum day's duty. (6) The men on strike to go in at once on the companies undertaking to give effect to these terms.

"These are, in substance, the terms which already exist between the North-Eastern and other railway companies in England and their employees, and we know of no peculiarity in the circumstances of the Scottish railway system which can form a difficulty in the way of their receiving effect in Scotland."—*Scotsman*, January 9th, 1891.

intimated that the directors "declined to accede to the demand for a universal maximum" ten-hours day, and also declined to recognise the Railway Servants' Association.<sup>1</sup>

Finally, on 19th January, the Earl of Aberdeen was appealed to by the Executive to employ his influence to bring the struggle to an end. The substance of the appeal was this: The men were announced to be willing to return to their work should Lord Aberdeen advise them to do so after he had seen the directors of the companies and obtained assurance of the genuineness of their intention to reduce the working hours.<sup>2</sup> The Earl did not, however, see his way to advise the Executive explicitly; but after conferring with the directors of the companies, he wrote to the Executive pointing out that they had already amply vindicated their claims to have their grievances considered seriously, and that they ought at once to return to their work.<sup>3</sup> Principal Rainy and others wrote to the men in the same strain; and the result of these various influences was that a deputation of men on strike on the North British system met Mr. Walker, the manager, on Thursday, 29th January. Mr. Walker repeated in substance the terms of the Dundee memorandum, to the effect that the grievances of the men would be discussed within a fortnight. The discussion was, however, to take place between delegates of the employees and the direc-

(1) See page 27.

(2) The Executive explicitly gave expression to their regret that the men had been guilty of breach of contract.

(3) The following is the principal passage in the letter of Lord Aberdeen: "I wish to suggest and to urge with all respect, but with the utmost earnestness, that the time has now arrived when, without sacrifice of principle and without loss of dignity, you can at once offer to return to work."

"Some may ask, 'Are we then to surrender the position which we have maintained all these weeks with so much strain and stress?' I answer, 'Assuredly not.' You will not, by returning now to work, withdraw from or contradict your repeated assertions as to the justice of what you have claimed from the railway companies. But by returning now you will be recognising (as others will be bound in fairness to recognise) in a manly and independent spirit, that you have done all that you can be reasonably asked to do in vindication of your principles and your convictions, and that you are not called upon to inflict further loss upon yourselves, your families your fellow-workmen of other trades, and the public, by remaining longer on strike."

"Further, I am satisfied from what I have learned that the railway directors in expressing their intention of fairly considering all grievances, are not using these words in any vague or evasive sense, but that so far as consistent with what is properly due to the interests of the shareholders they do contemplate certain modifications in the conditions of service."—*Scottish Leader*, 30th January, 1891.

tors, a rather important departure from the established practice. As many of the men on strike as possible were to be re-engaged; all prosecutions were to be abandoned and the action against the Executive was to be withdrawn. The men accepted this compromise, if compromise it may be called; and the strike was over.<sup>1</sup>

On the same day a similar deputation of Caledonian Railway employees was met by the manager; but in that case the company regarded itself in so strong a position—a comparatively small number of their men remaining on strike—that the manager refused to accept the memorandum accepted by the North British Railway Company, and thus the men on the Caledonian system found themselves, after all, the last of the strikers to abandon their position. On 31st January, however, negotiations were renewed, and the strike finally terminated.

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(1) TO THE NORTH BRITISH RAILWAY MEN AT PRESENT ON STRIKE.

FELLOW WORKMEN,—We have at length received sufficient assurance through a deputation appointed by the Executive Committee, that the company is prepared to give every consideration to the conditions for which you have been contending during the last six weeks; and, further, that every thing possible will be done by the officials to reinstate every man in his former position, and that no advantage shall be taken of men for anything they may have done during the struggle.

Under the circumstances, we do not see that anything further is to be gained by prolonging the strike, and we therefore instruct all men to return to their work on Friday, the 30th day of January, 1891.

HENRY TAIT,

General Secretary of the Amalgamated Society of Railway Servants  
for Scotland.

EDWARD HARFORD,

General Secretary of the Amalgamated Society of Railway Servants  
for England, Ireland, and Wales.

“Arrangements, under this document which I hold in my hand, have been made for the men to be restored to their former positions—(loud and continuing cheers)—so far as the same may be now open—(cries of ‘Oh!’)—that the company will withdraw all prosecutions against the men, and, further, that on resumption of work, Mr. Walker will at once arrange for meetings of the men and the directors within a fortnight thereafter to discuss every question whatsoever that may be brought forward. In addition to that, Mr. Walker, in reply to a question, said that there was no intention on the part of the directors that any source of bitterness should subsist between the company and the staff—(hear, hear)—and that the action against the society would be withdrawn.”—Mr. Harford at meeting at Edinburgh. *Scottish Leader*, 29th January, 1891. Manifesto of 29th January, 1891.



## CHAPTER V.

## LEGAL QUESTIONS INVOLVED.

The legal questions that have arisen in course of the strike are too numerous and intricate for adequate treatment here. The chief among them may, however, be classified.

*Combination.*—The laws relating to trade combinations in general need not be further referred to than to say that though trade unions still suffer certain disabilities, they are expressly sanctioned by statute. The Acts which comprise the legislation on the subject are the Trade Union Acts, 1871 and 1876 (34 and 35 Vict., c. 31, and 39 and 40 Vict., c. 22<sup>1</sup>). In addition to the Trade Union Acts, the 3rd section of the Conspiracy and Protection of Property Act, 1875 (38 and 39 Vict., c. 86), is generally cited as affording legal authority for combinations for trade purposes. The relative portion of the section is as follows :

3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

*Picketing.*—The state of the law on picketing is sufficiently vague to have produced recently decisions by able lawyers which have run counter to each other in their interpretation of the law.<sup>2</sup> The law on picketing is laid down in the Conspiracy and Protection of Property Act, 1875 (38 and 39 Vict., c. 86).

7. Penalty for intimidation or annoyance by violence or otherwise :

Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

(1) Uses violence to or intimidates such other person or his wife or children or injures his property ; or (2), persistently follows such other

(1) For summary of the law relating to trade unions see Fraser, *Treatise on Master and Servant*, etc., p. 421 ; also Report on Strikes, etc., Parliamentary Paper C.—5809.

(2) *E.g.*, by Mr. Justice Cave at Bristol, March 28th, 1890, and by Mr. Bompas, Q.C., Recorder of Plymouth, January 9th, 1891.

person about from place to place ; or (3), hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof ; or (4), watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place ; or (5), follows such other person with two or more other persons in a disorderly manner in or through any street or road ; shall on conviction thereof by a Court of Summary Jurisdiction (in Scotland the Sheriff of the county or any one of his substitutes), or on indictment as hereinafter mentioned, be liable to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

In a case under this Act in 1876<sup>1</sup> it was urged for the accused that if the "watching" and "besetting" were done merely for the purpose of persuading the men to quit their employment it would not be illegal. But Baron Huddleston, in delivering judgment, said : "I cannot assent to that view of the law. The statute allows watching or attending near a place for the purpose of obtaining or communicating information, but this is the only exception."

The charge to the grand jury, by Mr. Russell Gurney,<sup>2</sup> Recorder of Plymouth, in 1875, summarised the law of picketing. His view was that by the Criminal Law Amendment Act, 1871,<sup>3</sup> "conduct that might be accounted for by the desire to ascertain who were the persons working there, and peaceably to persuade any others who were proposing to work there to join their fellow-workmen who were contending for what, rightly or wrongly, they thought was for the interest of the general body" was not punishable. It would appear that, whatever may be the difficulty of defining "intimidation,"

(1) Reg. v. Bauld (1876), 13 Cox Cr. Ca. 282. Cf. Fraser, On Master and Servant, p. 429.

(2) Quoted in Parliamentary Paper C.—5809, p. 14. Mr. Gurney's charge was circulated by Mr. Cross among judges and magistrates in 1875.

(3) The relative section of the Criminal Law Amendment Act, 1871, was repeated in Mr. Cross's Conspiracy Act of 1875, section vii., op. cit.

the intention of the Act of 1875 was to permit "peaceable persuasion." At Glasgow and elsewhere intimidation in several cases was proved to have been exercised during the strike, and was punished. "Picketing," however, in the sense of "peaceable persuasion," was extensively carried on without interference.<sup>1</sup>

An important decision was given by Mr. Justice Cave<sup>2</sup> in the spring of 1890. Eight men were accused under the Act of 1875, and pleaded guilty to "a conspiracy to follow in a disorderly manner."

MR. JUSTICE CAVE said: I am very much inclined to the opinion that the men who are now before me, and who have pleaded guilty to the charge of following in a disorderly manner, were desirous of carrying out the law of 1875, and that, while they did make use of the rights given to them by that law, they were desirous not to overstep its limits. But, where a considerable amount of feeling is aroused—as is generally the case when strikes of this kind take place, and when men assemble in numbers—it is extremely difficult, if not impossible, to restrain them from expressing their feelings, and when they do follow persons who take a different view, and express their feelings, that undoubtedly amounts to a disorderly following which cannot be allowed. The object apparently of the Act is to give the members of the Union—or indeed any class of men, but especially the members of the Union—the right by all lawful means to persuade those of their own class to join with them, and abstain from selling their labour at a price below that which is deemed by the mass of the operatives as being a fair and reasonable price. By the Act of 1875 they are enabled to pursue that object as long as they pursue it in a lawful manner. As I have said, there is danger when numbers of men who feel strongly upon the subject come together that they will express themselves strongly, and undoubtedly, if they do express themselves strongly, they are to that extent "endeavouring," or without "endeavouring," they are controlling the minds of other men who take a different view of the subject. It seems to me, therefore, that the law has carefully provided so far as it can against such gatherings, and as I understand the effect of the law it is this: It is not an offence to follow a dissentient workman to his home for the purpose of ascertaining where he lives, provided that that is done in a perfectly orderly manner, that is to say, without any shouts or disturbances, and without a crowd, and provided that as soon as that object has

(1) On interpretation of "intimidation" see Appeal Case Agnew v. Munro, Justiciary Appeal Court. Feb. 2. Report. — *Scotsman*, February 3, 1891.

(2) In the case of Westlake, Walters, and others, Bristol Spring Assizes, 28th March, 1890.

been attained (which it is when it is known where he lives) he is not followed about any more. If he is followed about after that, the offence of persistent following is committed, but as long as one man, or even two men, follow a dissident operative to his house solely for the purpose of ascertaining where he lives, and carefully abstain from in any way insulting, or annoying, or jeering at him, there is nothing in my mind in the Act of Parliament which makes that at all criminal; unfortunately, in this case that was not adhered to. Numbers did follow these men, and the usual danger which arises from numbers following did arise in this case, that they were tempted to express their feelings by opprobrious epithets, and thus degenerated into a disorderly following. I now come to the question of "watching or besetting." That undoubtedly is a difficult question, because the language of the Act is somewhat obscure upon the subject: By-sec. 7, sub-sec. 4, "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do, or abstain from doing wrongfully, and without legal authority, watches, or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place, or follows such other person with two or more persons in a disorderly manner, in or through any street or road," the man who does that is liable on conviction to either a pecuniary penalty or imprisonment, "provided always that attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed to be a watching or besetting within the meaning of this section." Now the watching or besetting against which the section is directed is watching or besetting with a view to compel another person to do something which he does not wish to do, or to abstain from doing something which he does wish to do, and the Legislature goes further and says that watching with a view to obtain or communicate information does not come within that provision. Therefore, in every case where there is a watching of a house, it becomes important to ascertain, in order to see if it is criminal or not, what is the object with which the watching takes place, and the first question one would be inclined to ask would be—what were the numbers that were employed? Where one or two men are employed, there is not the same ground for assuming that the watching or besetting is for a criminal purpose, as where large numbers of men are employed. Further again, one must see what is done by the men who are so engaged in watching. If they simply communicate to persons who are about to go into the house that a strike is going on, and peaceably and quietly ask them not to go to work—and of course, by peaceably and quietly, I mean it must be without the slightest attempt to annoy or intimidate, or anything of that sort—if that is all that is done, that is

not in my judgment within the Act of Parliament. But if they are there for some other purpose ; if a crowd collects at the time when the persons working are expected to leave, and if the crowd follows those men in a disorderly manner, then I consider that that would be a watching or besetting of the house within the meaning of the Act of Parliament, and would be punishable. So again, if numbers of men are employed so as to render access to the house difficult, that men cannot get there without having to push through a crowd, which, without displaying any hostility, is certainly not a friendly crowd, that, again, I should consider to be a watching or besetting within the meaning of the Act of Parliament. In point of fact, beyond having two men for the purpose of communicating or obtaining information, anything further would undoubtedly *prima facie* look like a watching or besetting, which was contrary to the intention of the Act, and I hope that in the future that will be borne in mind, and that while operatives use the rights which the law has given them, and which, of course, they are entitled to use, they will take the greatest care not to go beyond those rights, and not by unnecessarily sending a large body of men, or even a considerable body of men, give rise to the suspicion that they are seeking something more than merely to obtain or communicate information, because those objects may undoubtedly be attained under ordinary circumstances by one or two men at the outside, and if more go than that number, then the parties who send them, and those who go, must not be surprised if a jury or the magistrates come to the opinion that there is a watching or besetting which is forbidden by the Act.

A judgment which affects the subject of picketing in a very serious manner was given on 9th January, 1891, by Mr. Bompas, Q.C., Recorder of Plymouth. Mr. Bompas said :—  
 “To put the matter in popular language, I am of opinion that  
 “a strike by the members of a trade union for the purpose  
 “of increasing their wages, or altering the conditions of their  
 “employment, is lawful, unless accompanied by violence or  
 “intimidation . . . ; but that a strike for the purpose of  
 “compelling employers not to employ other persons, or to  
 “alter the terms of the employment of such other persons, is  
 “illegal, and renders all persons in it liable to proceedings  
 “under this section.”<sup>1</sup>

This decision appears to open up questions far beyond section 7 of the Conspiracy Act, 1875, under which the pro-

(1) Cf. *Times*, 12th January, 1891.

ceedings in question were taken. The section quoted in full above does not impose any limit upon the character of the information which it is permissible to convey, and thus the only foundation for the decision is that a strike of this character would be in "restraint of trade," and would, therefore, lay those who conducted it open to an action for damages, though not to criminal proceedings.

"The result of this section (section 3, quoted on page 41 *supra*), taken in combination with section 7 (quoted on page 41 *supra*), is to make it perfectly lawful for workmen, so far as criminal consequences are concerned, to threaten an employer that they will leave his service in a body unless he discharges a particular workman. But although protected by statute from criminal liability, workmen would expose themselves by such conduct to a civil action of damages at the instance of a fellow-workman discharged by his employer in consequence of such threats."—Fraser "On Master and Servant," p. 424.

This is directly in the teeth of Mr. Bompas's opinion, and the *Times*<sup>1</sup> says wisely: "The public at large will not be satisfied unless the law, as laid down by Mr. Bompas, is either affirmed or overruled in a Court of higher authority."

*Desertion of Service.*—The master's remedy in case of desertion of service by his employees is twofold. Under certain circumstances he may employ criminal, under other circumstances civil procedure. There are two sections of the Conspiracy Act dealing with this question. Section 4 makes special provision for employees of gas and water corporations. Section 5 is generally applicable.

Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to

(1) January 12, 1891.

pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

With the view probably of testing the applicability of Section 5 of the Conspiracy Act to the case of the railway servants, two signalmen were prosecuted at Stirling for infringement of its provisions. The evidence showed that the men had given up the keys of their signal-box, and before leaving them had intimated that they would not return to duty. The Sheriff (Buntine) held that the men had no reason to suppose that their failure to return to duty at the hour fixed for their return would involve risk to life or property, and on that ground the charge against the men was found not proven.<sup>1</sup> The breach of an ordinary contract<sup>2</sup> of service renders a servant liable to an action of damages for loss that may arise through the breaking of the engagement. A mere absence, however, for two or three days has been held to be insufficient to entitle an employer to damages as against a servant.<sup>3</sup> "If a master can prove actual injury to himself or his business, arising from the servant's breach of contract, the latter is not only liable to be dismissed and to forfeit his current wages, but he may be amerced in damages as well."<sup>4</sup> The extent of the damages awarded has been made to depend upon the degree of facility with which the servant's place could be supplied. Imprisonment for breach of an ordinary contract of service is understood to be no longer competent.<sup>5</sup>

Several hundred cases were raised by each of the railway companies against their men. Some of these were defended on various technical pleas; these were withdrawn, and the

(1) See *Scottish Leader*, 7th January, 1891.

(2) *Periods of Notice* to be given and received. Terms of notice on the various railways differ slightly. Caledonian Railway Company: Guards, enginemen, firemen, and platelayers, two weeks; porters, signalmen, etc., one week. Servants are "liable to immediate dismissal for disobedience of orders, negligence, misconduct, or incompetency." North British Railway, Rule 16. It stated that "No servant is allowed to quit the company's service without giving the notice required by the terms of his engagement—namely, stationmasters, clerks, checkers, inspectors, detectives, guards, brakemen, collectors, engine-drivers, firemen, signalmen, marshmen, yardmen, shunters, pointsmen, and watchmen, one month; porters, carters gatekeepers, horse-drivers, and platelayers, fourteen days."

(3) See Fraser, *op. cit.*, p. 115. (4) *Ib.* p. 113.

(5) See Fraser, *op. cit.*, p. 382.

remainder were allowed to go against the defendants, the avowed intention being to avoid intensifying the bitterness of the situation by defending them unless the strike should continue much longer, in which event the cases would be sisted and defended. At the close of the strike the suits were abandoned.

*Trade Disputes.*—The Employer and Workmen Act, 1875, op. cit., supplied a form of procedure which has not been taken advantage of in this case, nor indeed almost at all in Scotland. By this Act extensive powers are given to the Sheriffs and their substitutes (in Scotland) and to the County Court in England, which were intended to enable them to settle industrial disputes. There is, however, no provision enabling one party in a dispute of such a nature as that involved in the recent strike, to force the other to submit it to the Court under the Act.

*Season Tickets.*—In addition to the legal questions involved in the relations of the companies with their servants, there were other questions concerning the relations of the railway companies to the public and to traders. The season ticket holders who had been unable to use their tickets on the Glasgow City and District Railway, owing to its being closed for about a month, raised an action against the railway for declaration that the period of tickets so affected should be extended or a proportional amount of the cost of the ticket refunded.

*Carriage.*—The railways are, in theory, highways upon which anyone may run appropriate vehicles. During the strike many traders conducted their own traffic, using their own plant and paying mileage dues. It is questionable whether any action would lie against the railway companies for refusal or delay to carry goods during a crisis such as they have passed through. The loss of goods owing to the disorganisation of traffic must have been considerable, and would, no doubt, in certain cases have to be made good by the railway companies. A railway company by advertising that it has ceased for any reason to run trains may probably relieve itself of subsequent liability to the public.



*Dwelling-houses.*—The Caledonian Railway Company's rule is as follows :

"All dwelling-houses specially appropriated by the company for the accommodation of their servants, as such, are only let during their employment, and any servant taking or occupying such a dwelling-house shall be bound or entitled to remove therefrom on his receiving or giving notice of the termination of his employment."

It has been suggested that the letting by the company of the houses to its employees is an infringement of the Truck Act. This, however, is a mistake. It appears fairly clear that railway servants are entitled to be regarded as "artificers" in the sense of the Act, though they are not expressly mentioned.<sup>1</sup> Under Section 23 (The Truck Act, 1 and 2 Will. IV., c. 37) it is provided that nothing in the Act shall be construed to prevent any employer "from demising to any artificer, etc., the whole or any part of any tenement, at any rent to be thereon reserved. . . . nor from making, or contracting to make, any stoppage or deduction from the wages of any such artificer for or in respect of any such rent." It has been held, however, that this must be made the subject of a written contract.<sup>2</sup>

## CHAPTER VI.

### MEN, METHODS, CAUSES, AND RESULT: A SUGGESTION.

The railway men belong as a body to the skilled labour class. They are not, as the "dockers" are, irregularly employed and shiftless. Certain classes of them occupy a unique position. Their skill is both specialised and localised. For example, an engine-driver of a passenger train accustomed to the Westinghouse brake is, without special training, unable to drive a goods train fitted with the ordinary hand-brake and ordinary

(1) See on interpretation of scope of Act, Fraser, *op. cit.*, p. 445.

(2) See Fraser, *op. cit.*, p. 449.

couplings. It is more difficult to take curves and gradients with a goods train under such conditions<sup>1</sup> than is the case with a passenger train. The driver's skill, too, is localised, because so complicated is the network of lines, so sharp many of the curves, so frequent the changes in gradient, that unless a driver "knows the road" he is helpless. The complicated and varying systems of signals is an additional incident of this localisation of skill. Knowledge of the signal system of one branch line is of no value on another.<sup>2</sup> Specialisation and localisation of skill have thus together given the engine-driver and some other classes of railwaymen a practical monopoly.<sup>3</sup>

Work is hard but wages are high.<sup>4</sup> The men in the higher grades—first, second, and third class engine-drivers and guards—live in good houses and have bank accounts. If the railway managers did not believe in the approach of a strike, the men did, and they saved against the evil day. When the Executive began to distribute strike pay, many of the men handed the money back to the strike funds. They fought largely on their own individual resources.

There has been so much speculation as to the motive which prompted the men to strike without notice that it seems necessary to give the men's own view of this question. The men conceived that if they gave notice of resignation, that such notice meant permanent severance from their employment, and

(1) It is probable that one of the reforms of the near future will be the fitting of continuous brakes to goods as well as to passenger trains.

(2) This seems very absurd; uniformity in the system of signaling is surely not beyond the wit of man.

(3) The extent to which this monopoly of skill is effective is, of course, limited. One of the chief sources of annoyance to the strikers was that the men who had taken their places were being coached in their work by the men who had remained loyal to the companies.

(4) The following are the wages paid on the North British system, according to *The Citizen's Inquiry*:

Engine-drivers,	- - - - -	48. 6d. to 68. 6d. per day.
Firemen,	- - - - -	19s. od. to 24s. od. per week.
Guards,	- - - - -	24s. od. to 30s. od. "
Signalmen,	- - - - -	20s. od. to 22s. od. "
Cleaners,	- - - - -	10s. od. to 16s. od. "
Porters,	- - - - -	14s. od. to 18s. od. "
Edinburgh Express Drivers,	- - - - -	7s. od. per day.
Brakemen,	- - - - -	27s. od. to 30s. od. per week.

many of them gave their notices to the Executive on this distinct understanding. Many of those, however, who refrained from giving their notices, and who afterwards voted for an immediate strike, thought that by leaving their work without notice they became liable only to the usual penalties for absence without leave; and they imagined that, at longest, the strike would last a week, at the end of which they hoped to return to their work with, at least, some improvement in their position. They thus regarded the tendering of notice as tantamount to retiral from their employment, and simple non-return to work as a strike, in protest against the conditions under which they laboured. That they had broken their engagements, and that they might thus be held legally liable for breach of contract does not seem to have been present in their minds, although it was certainly impressed upon them by their own Executive.<sup>1</sup>

This explanation has, of course, no bearing upon the legal question of notice,<sup>2</sup> but must be given a certain weight in forming an ethical judgment upon the action of the men.

Day by day, during the strike, the men in the Glasgow district met at noon in the Albion Halls, College Street.<sup>3</sup> The audience, until the Executive appeared at two o'clock each day, beguiled the time with songs and occasionally a dance and instrumental music. "Mr John Smith, engine-driver, Polmadie, for a song," read the chairman, and Mr John Smith, a well-dressed, powerfully built man, sang "Afton Water" with unexpected sweetness, a welcome incongruity at a strike meeting. Sometimes a brakesman, with ingenuous face and ungainly air, gave a rollicking topical song, in which incidents of the strike found a setting in very rude verse indeed. There was the most perfect order and good-humour. The audience was easily tolerant of lapses in memory,

(1) See page 11.

(2) See page 47.

(3) The Albion Halls was for the railway what "Wade's Arms" was for the dockers strike.

and of music as a rule vigorous rather than artistic. Day by day, reports were read from the districts, describing the situation from the point of view of the men. "Motherwell.—All out here, stand firm; sure to win." This was the prevailing strain during the six weary weeks.

But the real work of the strikers was done at night and in the early morning. "Picketing," which formed so important a feature in the Dockers' Strike of 1889,<sup>1</sup> was from the beginning, and especially at the beginning, a serious factor in the railway struggle. On the evening of Sunday, 21st December, when an immediate strike was suddenly proclaimed, the secretary, Mr Tait, proved himself equal to the emergency, and produced at once a "plan of campaign" which he had apparently prepared in anticipation of a strike under ordinary conditions, as designed by the Executive.

By this 'plan of campaign' pickets were despatched direct from the meeting to St Rollox, Polmadie, and other places in the Glasgow districts, and similar parties drove to Motherwell and elsewhere to convey information and to "bring the men out." The picketing of the first Sunday was the great success of the strike. The enthusiasm of the men who had been actually engaged in the movement had "caught on," and men at all the centres joined them in shoals. After the heat of the first moments of action was over, and during the six weeks of the struggle, picketing became a dreary business. Pickets from the body of the strikers were paid out of the strike funds; but there were besides many volunteers who joined the paid pickets and spent with them the dismal hours between eleven o'clock at night and five or six in the morning, on the hillsides of the Lothians, tramping from cabin to cabin across the moors, or on the road at Polmadie, the most dreary and unredeemed part of Glasgow, watching all night the gate of the Caledonian Railway Depot, amid snow and keen east wind. The pickets were organised in

(1) "See The Story of the Dockers' Strike." H. L. Smith and Vaughan Nash, p. 101.

relieving parties, and their captains were posted in the law of the subject, vague as it is. They carried copies of the Conspiracy Act in their pockets, and gave peripatetic lectures in law to its own officers, who were sometimes too recent accessions to the force to have fully mastered all the clauses of all the statutes they were expected to administer.

It would appear that the men were urgently warned against "intimidation" by the captains of their pickets, and although there were unquestionably cases in which the pickets were guilty of "watching and besetting," these were after all not numerous, when one considers the very large number of men who were engaged, and the number of places where picketing was carried on. A serious encounter took place between steel-workers who had volunteered to picket, and the police at Polmadie, in which several persons were injured.

The personal element was not nearly so manifest in the railway as it was in the dockers' strike. In London, Burns' white straw hat was a kind of banner which everyone recognised, and his rather turgid eloquence was immensely effective among the London crowds. Scotsmen are, however, more difficult to move by mere harangues, and, besides, the wide area over which the strike was scattered rendered personal force harder to exercise. The magnetism of a crowd counts for something in a strike. When men are broken into small groups it is supremely difficult to sustain concerted action. The hard work of the Executive was largely consultative and clerical. They had an immense correspondence with the districts, and they were almost daily interviewed by volunteer negotiators. In addition to work of this kind the members of the Executive visited the pickets, and spoke twice or thrice a day at the meetings.<sup>1</sup> Burns reported at one moment that he had had no sleep for eighty hours. For

(1) The helpers who came from England were Mr Harford, Secretary of the Amalgamated Society of Railway Servants, and "John Burns—Socialist, Engineer, Agitator, and County Councillor."

days together they had worked continuously. By the close of the struggle, they were all thoroughly exhausted. For those who are engaged in it, a modern strike, with its rapidly passing phases and its intense concentration of life and energy upon a single point, really crushes half a lifetime into a few weeks. Few men who have experienced a serious campaign desire to experience another.

The chief personal figure in the struggle was not, however, to be found among the strikers, but was to be found on the other side. The man who was felt to hold the key of the position was Mr. John Walker, general manager of the North British Railway Company, well known in Scotland as one of the most astute and enterprising railway administrators in the country, the man in whose reign the Tay and Forth Bridges have been built, and who was found, when people awoke after the fact, practically to have secured possession of the keys of internal transport in Scotland. Mr. Walker had, along with an able coadjutor on the North British Company, raised the railway in point of mileage and influence from the position of a bad second to the position of being easily the first among the Scottish lines. Whatever one may think as to the likelihood of a great error in judgment having been made by Mr. Walker, in allowing the discontent of his men to reach such proportions, one cannot but admire his firm adherence to what he believed to be his duty, and his really magnificent loyalty to his corporation. At the same time, it depends very largely upon the energy with which he now "sets his house in order," whether or not the public demand for serious limitation of the power of railway managers and directors may not become quite irresistible.

Unnecessary complications in calculating hours and wages were among the causes of the London Dock strike, and were among the subsidiary causes of the railway strike in Scotland. In London the hours paid for were less than those actually worked.<sup>1</sup> This also was the case in Scotland. By means of the

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(1) "The Story of the Dockers' Strike," p. 49.

system of booking on and booking off, and by the "trip" system, the companies are accused of having succeeded in getting from one to two hours' duty per day per man without paying for it.<sup>1</sup>

The chief causes of the strike, already incidentally noticed, may be summarised here :

1. The neglect, and consequent accumulation of grievances, many of them, perhaps, individually petty, brought about a temper in the minds of the men that was little short of desperate ; and it was the existence of this temper, especially among the men at Glasgow, Hamilton, and Motherwell, which led to their breaking from the control of their Executive, and ultimately to the strike.

2. Behind this specific cause lay another, more remotely responsible for it and for the whole crisis. This was the severe competition between the two railways—the Caledonian and the North British.<sup>2</sup> During the few past years not only have enormous sums been spent by each of them in opposing the other's Bills in Parliament,<sup>3</sup> but their working expenses have been largely increased, owing to the assumed need of making certain lines in order to secure the means of communication in districts in course of development, and to the running of certain trains for purely competitive reasons. The evidence before the Railway Rates Commission showed how the districts in which competition was not effective were compelled to pay in increased rates in order to help to make up for the loss upon districts where competition was severely effective. One section of the public was thus taxed for the benefit of another section ; while it would appear from the preceding pages as if some part, at least, of the reduction in rates in districts where competition was severe was recovered

(1) Cf. Mr. Stretton in *The Engineer*, January 30, 1891. The booking system was, after the strike, abolished by the G. & S. W. Railway Company, 20th January, 1891. See *Evening Citizen*, 21st January.

(2) Sharply criticised by a shareholder at a special meeting of the North British Railway, 3rd February, 1891.

(3) On Edinburgh access and on G. S. W. Railway amalgamation, for instance.

by the companies in exacting increased work from their men. The question as to how far it is expedient to permit railway companies to expend large capital sums in making unnecessary lines, and a large part of their revenue in unnecessary expenditure, while they adopt questionable means to recoup themselves, out of the pockets of the public or out of the labour of their men, must necessarily engage the attention of statesmen.

The argument for the State ownership of railways, against which of course many objections may be urged, might become irresistible, should the evils associated with railway rates and with railway labour continue to thrust themselves into the eyes of the public. It must be noted that the strike, so far as it was due to administrative causes, might have occurred on a State-owned as well as on a joint-stock railway. So far, however, as it was due to excessive competition, the strike was the outcome of conditions from which State ownership offers one means of escape.

What was the result of the strike? is a plain question to which no plain answer can be given. It is too soon to say. If the hours of labour are immediately, or ere long, reduced, the strike has been successful; if the same dismal round of work without leisure goes on as before, it has been a failure. It is perfectly clear that, no matter what the terms may be upon which the men have capitulated, the central issue of the strike—the reduction of hours—must be faced. It must be faced, if need be, by the raising of additional capital. The development of the line, and the carriage of increasing traffic, cannot permanently be carried on at the expense of the men. If any attempt is made to smoothe over the difficulties without dealing with them, retribution in shape of another and perhaps more serious strike must inevitably follow.

A practical suggestion may, perhaps, be made in connection with the administration of railways. The interests of men working the railways are, or ought to be, as genuinely identified with the successful development of the companies as are those of shareholders. The men are not destitute of funds. The English Railway Servants' Society owns over £70,000, of which the sum



of £24,000 is invested in four per cent. Debenture stock of seven of the English lines. The sum is not a large one in proportion to the capitals of the companies; but if one considers the capital value of the men themselves, as one may fairly do, since they invest their lives in the companies as the shareholders invest their money, it becomes evident that they, as well as the shareholders, should be represented upon the Board of Directors. There seems no serious reason why the servants should not have a representative on the Board, who would be fully in touch with the men, and able to inform the Board of substantial yet unremedied grievances which he may find to exist. If this representative cannot technically take his seat at the Board as the representative of the men, he may be sent there as representing the men in their capacity of shareholders. With this object the Scottish Railway Servants' Society might consider the advisability of investing a few thousand pounds in the ordinary stock of the companies, sending their representatives to the shareholders' meetings, and endeavouring to place them upon the respective Boards. It is not improbable that the presence there of a practical railway man might be a great benefit all round.

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#### NOTE TO CHAPTER VI.

Even should reduction of the hours of labour result in increased working expenditure, it does not follow that it would result in decrease of net earnings. If, however, such decrease did take place, it would affect: (1) expenditure on other items; or (2) dividends; or (3) rates. That is, that: (1) a check would be placed upon unproductive expenditure, *e.g.*, useless trains would be withdrawn and much greater attention than is now the case devoted to judicious economies; or (2) the dividends of the shareholders would be lowered, either by direct deduction or by the payment of interest upon capital raised for the development of unproductive branches; or (3) rates and fares would be raised. The last mentioned would be the final resort, for in the present position of railway competition in Scotland any general or considerable advance is unlikely to take place. There are certain variations both in the conditions of labour on the different railways, and in the incidence of their fixed charges, and the increase in rates which would follow reduction in the hours of labour would by a well-known principle be measured at most by the net cost of the changes to the railway requiring least of these. The possibility of the companies effecting a general arbitrary advance in rates, even by a conspiracy to do so, is remote. Should a pooling arrangement be adopted under the sanction of Parliament, the subsequent advantage in reduced legal and working expenses would probably avoid the necessity and prevent the desire for increased rates. Railway monopoly is bringing up in this country difficulties that have reached an acute stage in the United States. The chief difficulty lies in the fact that the railroad is a natural monopoly, and that the business of a carrier may be, and on the highway is, open to competition.

## CHAPTER VII.

THE RELATIONS OF CAPITAL AND LABOUR AS ILLUSTRATED  
BY THE STRUGGLE.

The deliberate<sup>1</sup> corporate action of the manual labour class is as potent a factor in these closing years of the century as the development of the machine industry was at the beginning of it. The surprise and dismay of the workers under the pressure of the advancing power of the middle class, due to its energetic adoption of the factory system, have their natural counterparts in the surprise and dismay of the commercial class under the pressure of the advancing power of labour combined in great masses threatening to dictate terms to the rest of society. The incidents of the earlier phases in the development of the machine industry produced acute industrial disturbance, as do all invasions of established custom. The same effect is now being produced, the world over, in this "période chaotique" through which we are passing to some new order. It is quite possible that the advantage, or some of the advantage, gained by capitalists during the earlier years of the development of modern industry, an advantage which has been to a large extent maintained by them, is about to pass over to the other side. Largely founded as this advantage was upon the customary and legal isolation of the labourer, the development of a tendency towards corporate action on the part of labourers was bound to invade it by progressive steps. This development of corporate action on the part of labour has been really coincident with a similar development on the part of capital. The modern joint-stock company and the modern trade-union were born together, and have grown together.

The combination of a great many small capitals, formerly

(1) "It is true that there is less deliberate selfishness in early than in modern forms of industry; but there is also less deliberate unselfishness. It is the deliberateness and not the selfishness that is the characteristic of the modern age."—Marshall: "Principles of Economics," I. 6.

competing against each other, but now in one mass prepared to compete against other similarly large masses, has been developed under the same set of conditions as have led to the development of labour combinations. Individual capitalists club their capitals in order to protect their individual interests by collective action; individual labourers act in the same way with the same aim. There can be no doubt that the dominant motive in both cases is self-interest. The danger which may arise to society lies in the circumstance, that one or other of these masses of combined labour or combined capital which may happen to exercise some socially necessary function may fold its hands and say, "we do no work until such and such terms be granted." There is a further danger in the possibility of the growth of gigantic combinations of capital *and* labour, by means of which the interest of one group may for a time act to the disadvantage of society in general—"a danger so great that if these compacts cannot be bent by public opinion they may have to be broken up by public force."<sup>1</sup>

The extent to which the public is entitled to interfere in industrial disputes is not capable of precise limitation.<sup>2</sup> Fussy interference is, of course, to be discouraged; but the feeling of responsibility is rudimentary, owing, perhaps, to its diffusion, even in the best-regulated corporate bodies, and the dread of public reprobation, or even something more, acts as a wholesome check against arbitrary or capricious action.<sup>3</sup> This applies with special force to the "indivisible" industries, and among them especially to those engaged in the exercise of

(1) Presidential address by Professor Marshall (p. 16), Section F., British Association, 1890. As, perhaps, for example, by partial re-enactment of the old laws against "engrossing."

(2) "Though there are some little differences of opinion among us as to the scale on which the owners of such undertakings (gas, water, railway, tramway, electric supply companies, *e.g.*) when in private hands should be compensated for interference with what they had thought their vested rights, we are all agreed that such right of interference must be absolute, and the economists of to-day are eagerly inquiring what form it is most expedient for this interference to take."—Prof. Marshall, Address B. A., *op. cit.*

(3) "If regulation by public opinion and carefully enforced responsibility is resisted, there is danger of something far more stringent and sweeping. A monopoly, whatever its legal or industrial position, is in danger from sudden movements of public feeling. If it is afraid of enlightening public opinion on what it does it may well be much more afraid of the risk of facing an outbreak of unenlightened public sentiment."—A. T. Hadley in *Quarterly Journal of Economics*, I.

socially necessary functions. A railway company cannot be at once "a great public department"<sup>1</sup> and a private business claiming immunity from criticism, or even from regulation. In all considerable industrial struggles, the great, patient, almost silent, "credulous, and ignorant public" is the real sufferer. It is truer than ever it was, not alone in a merely metaphorical, but strictly in an organic sense, that we "are members one of another." "I conceive it to be demonstrable that the higher and the more complex the organisation of the social body, the more closely is the life of each member bound up with that of the whole; and the larger becomes the category of acts which cease to be merely self-regarding, and which interfere with the freedom of others more or less seriously."<sup>2</sup>

The close interdependence of the parts of our highly organised society, and the dependence of the groups which constitute the commercial world upon each other and upon the public, were conspicuously manifested in the recent financial crisis in London.<sup>3</sup> And in the railway crisis which is just over it became clear that an error in judgment on the part of the directors of a public company, or on the part of their employees, or of both, or a breach of contract by one or the other, might plunge the whole community in trouble and a large part of it in absolute misery. The interest of the public as the holder of the great insurance fund from which all the losses due to all such catastrophes must be paid, is really paramount. The objection that it has no business with industrial conflicts, and that these are best left to be settled by the brute forces of the combatants, will not hold water for a moment.

In dispassionately examining the subject of labour combinations, we must regard them not as the outcome of an isolated movement, but as having been brought into existence by a set of conditions which could hardly have failed to produce them.

(1) Lord Tweeddale, chairman North British Railway, to deputation, January, 1891.

(2) "The Struggle for Existence," by Professor Huxley, *Nineteenth Century*, February, 1888.

(3) See for suggestive remarks on this point, speech by Mr. Goschen at Leeds, 28th January, 1891.

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The view that the reduction of hours of labour and the increase of wages secured during the past half century has been due to any very large extent to the action of trade unions may probably be subject to modification; but among other tendencies, the tendency to corporate action has unquestionably eventuated in the labourer being placed in a position of greater advantage than he formerly was in making his bargain.<sup>1</sup> When we realise that the employer on any large scale controls, as a rule, not alone his own capital, but the combined capitals of many persons, and when we find that he employs not the labour of one man, but the labour of a great number of men, we see at once that he represents a combination "more compact than any trades union is likely to be."<sup>2</sup> The development of the banking system and the system of credit has rendered the large industry possible, but it has destroyed the small master, and by so doing has changed the plane of competition.

The labour market without combination became relatively overstocked with sellers, while the buyers became relatively fewer. It is true that they bought in the aggregate more largely<sup>3</sup> than the larger number of small masters under the preceding system, but the relative smallness of their numbers operated as a restriction of the market as regards buyers. The only counterpoise to this, apparent to the present generation of labourers and capable of prompt application, is combination.

(1) "Whether the employer be an individual or a corporation, it is as though there were but one man wielding the force of the entire capital of a productive establishment, in the effort to secure advantageous terms from the workmen. If now the workmen act not collectively, but individually, if they compete vigorously with each other for employment, they divide their force against themselves, assist the capitalist, and forfeit all hope of a successful issue of the contest. The army of labour fires, as it were, into its own ranks. . . . The strategic inequality in the position of capitalists and labourers would be at a maximum if there were but one employer in a locality, and if employees were numerous, unorganised, and unable to emigrate. If, in addition to this, the ethico-economic rule of "every man for himself"—were a recognised principle of action, the result would be a society composed indeed of men, but completely dehumanised in its organic action. It would be a collective brute. . . . A maximum of justice in distribution is attained where the brute forces are evenly matched, and where moral influences are efficient. A minimum of justice results where brute forces are unequal, and moral forces are wanting."—Prof. J. B. Clark. "The Philosophy of Wealth," p. 133.

(2) Cf. Prof. Marshall, Address B. A., p. 8: "There was not only a class injustice but a logical confusion, in prohibiting combinations among workmen, on the ground that free competition was a good, and that combination being opposed to free competition was for that reason an evil."

(3) That is, machinery increased employment.

It is quite erroneous to suppose that combination and competition are mutually exclusive. A combination, as in a joint-stock company is, indeed, formed, as a rule, to employ the methods of competition more effectively than they can be employed by individual members of it; and the same may be said of trade unions. The trade union, however, serves several distinct purposes. First, it is a combined mutual life, health, and annuity society. Second, it is a society for the insurance of regularity of employment. Third, it is a combination of men who, by clubbing their resources, place a reserve price upon their labour.<sup>1</sup>

To many it may seem superfluous to enter upon discussion of a question to which it would appear as if there could only be one answer, namely, that anti-combination laws have been tried and have failed, that combination is not now likely to be prohibited by law, and that therefore its justification, economic and otherwise, is unnecessary. But during the past few weeks the prevalent feeling among the commercial classes has undoubtedly been that as regards those employed in what have been described as socially necessary functions, combinations ought not to be allowed. But the prohibition of it in such cases, while it prevails in others, places the public service at a serious disadvantage in the labour market. As a practical question, it is clear that prohibition of the social right of combination as regards the servants of railway, gas, and water corporations would be accompanied by increase of wages as a countervailing inducement to recruits, by reduction in the quality of the workmen employed, or by rebellion.

Now, it may plainly be suggested that the Scottish railway strike was due not to the strength of the combination among the railway servants, but to the weakness of it<sup>2</sup>; that the refusal to recognise and to treat with the Union amounted to a

(1) On certain ill effects of unionism, see Donisthorpe's "Individualism: A System of Politics," page 220.

(2) Had the Union been strong enough to secure a preponderating number of notices from the general body of railway servants, it would have been simply suicidal for the companies to have permitted a strike.

practical though ineffectual prohibition of it; and that each of the three results of prohibition did actually take place. First, wages were necessarily to some extent and in some grades increased. Second, the quality of the workmen in other grades was reduced by changes; and third, the conditions of work becoming more severe, the men rebelled. The notorious severity of the work on the Scottish lines and the uncertainty of promotion rendered it difficult for one of the railways, at least, to get an adequate staff of efficient and experienced servants.<sup>1</sup> This want of inducement to recruits was at once the reason of the strike and the reason of the utter collapse of the railway service which followed it. Given a choice of employments, an efficient worker will choose that employment which offers him the most advantageous terms. When, therefore, a railway company hampers itself by prohibition of combination, a principle frankly acknowledged by almost every other industry, and then further hampers itself by excessive severity of work, it must give high wages or it loses the best of its men, gets relatively inferior men to replace them, degrades the remainder of its employees, and, by severity of work beyond a certain point, forces them into rebellion.<sup>2</sup>

Besides the feeling that combination among railway servants, ought by some means to be prevented by law, the companies being unable of their own action to prevent it, there was also the feeling that the strike of railway servants presaged a general uprising of labour against capital, and that in resisting the claims of the men, the companies were fighting the battle of the commercial world against the New Unionism. Time alone

(1) The deteriorating influence upon skilled labour of excessive strain and irritating conditions is analogous to the deteriorating influence upon unskilled labour of irregularity of employment. There was a very large proportion of young men on strike. These were the men who really made it. They carried everything before them at the meetings, many of the older men having left the service, or having received increased wages, or having been reduced to a condition of chronic despair.

(2) A not unfair analogy may be traced in the disregard and miscalculation of physical forces which led to the collapse of the Tay Bridge; and in the disregard and miscalculation of physiological and social forces which led to the collapse of the railway system. Both mistakes have been costly. Even Boards of Directors find it hard to contend against Istar.

can show whether or not there is any foundation for this dread. Meanwhile, it may be noted that the railway servants are among the least likely to be leaders in an uprising of labour. They are very loosely bound together in their union; their experience of corporate action is slender in the extreme; their notorious want of leisure has prevented them from studying, even had they been so disposed, the questions with which recent labour struggles have familiarised other workers.

Moreover, the years 1889 and 1890 were prolific in strikes. The working class is heartily weary of the worry of them, so that, unless some specially deep-seated grievance arises into prominent notice, there is little likelihood of the feeling of fear having any speedy justification in fact. It is, however, to be remembered, that we are probably on a downward curve of trade fluctuation, and that this is generally productive of trade disputes. Wisely conducted and strongly supported unions, with appeals to arbitration where disputes cannot be prevented otherwise are the visible palliatives. Their judicious exercise may enable us to get round awkward corners.

While resistance to sectional combinations, whether of labour or capital, is inexpedient as a general principle, it would appear as though the trade union and the joint-stock company, however they may develop, do not supply a permanent solution of the labour problem, though they may contain the germs of a mediate solution. The difficulty, so far as both of these forms of combination are concerned, is, that men in a position of considerable power are apt to use it badly, whether this power is possessed by them because they have been entrusted with large masses of capital, or whether they feel, perhaps, in an exaggerated form, the irresistible force of their labour combination. Meanwhile, the existing checks to these tendencies—publicity and criticism—may well be applied constantly, and much may be hoped from the growing discredit which is overtaking short-sighted self-regarding and socially injurious action on the part of individuals or of corporations.



APPENDIX—TABLE I.

I.	II.	III.	IV.	V.	VI.	VII.
Length of Line in Miles. Open 31st Dec., 1889.	Locomotives.	Total No. of Vehicles for Conveyance of Passengers, etc.	Locomotives per Mile of Lines Open.	Vehicles per Locomotive.	Proportion of Working Expenditure to Receipts.	Proportion of Net Receipts to Total Capital Paid Up and Raised by Loans and Debenture Stock (1889).
ENGLAND AND WALES, 14,034 *	13,447	439,373	0.95	33	52	4.3 %
SCOTLAND, - - - 3,118 *	1,791	110,778	0.57	62	49	3.3 %

\* It is to be noted that while the proportion of Parliamentary Returns (1890), C. 6118, p. xix. Columns I., II., and III. are extracted from Parliamentary Returns (1890), C. 6118, p. xix. It is to be noted that while the proportion of single lines to double lines is in England as 5 to 9, in Scotland it is as 9 to 4.

TABLE II.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	XIII.
Miles. Open Jan. 31, 1890.	No. of Miles Travelled by Trains, 1890.	No. of Locomotives, Jan. 31, 1890.	Average No. of Miles run per Locomotive.	Passengers Carried, 1890.	Tons of Minerals Carried, 1890.	Tons of General Merchandise Carried, 1890.	Total of Minerals and Merchandise Carried, 1890.	Tons Carried per Locomotive.	No. of Wagons.	No. of Carriages for Conveyance of Passengers.	Total Vehicles.	Total Vehicles per Locomotive.
CALEDONIAN, - - 871	12,930	690	18,739	22,367	12,981	3,827	16,808	24,360	44,808	1,234	47,152	68.3
NORTH BRITISH, 1,046	13,720	628	21,848	27,605	11,710	5,924	15,635	24,897	42,232	1,612	44,457	70.7
G. & S.-WESTERN, 347	5,330	301	17,708	10,676	4,262	1,212	5,475	18,124	12,039	729	13,341	44.0

Cols. I., II., III., V., VI., VII., X., XI. and XII. are extracted from Parliamentary Returns, C. 6118. The other columns are calculated from these.

TABLE III.

	I.—ENGINE-DRIVERS AND FIREMEN.				II.—GOODS GUARDS.				III.—SIGNALMEN.				IV.—EXAMINERS.			
	A		B		A		B		A		B		A		B	
	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.	Sept. 1889.	Mar. 1890.
A—Daily percentage of instances of men on duty for 18 hours and upwards at a time.																
B—Percentage of men who, after having been on duty for more than 12 hours, were allowed to resume duty with less than 8 hours' rest.																
GLASGOW & S.-WESTERN,	'32	'17	3'06	2'07	none	none	none	none	none	none	none	none	none	none	none	none
CALEDONIAN, - - -	'25	'09	2'95	'21	none	none	none	none	none	none	none	none	none	none	none	none
NORTH BRITISH, - -	2'46	2'45	13'90	13'37	1'42	1'46	9'88	9'92	'02	'01	'10	'68	'24	25	none	none
LONDON & N.-WESTERN,	'003	'003	4'11	2'42	none	none	2'89	87	'003	none	'08	'04	none	none	none	none
NORTH-EASTERN, - -	1'07	'72	5'36	2'32	67	'21	3'34	1'54	0'04	'01	1'30	'58	none	none	none	none

<sup>1</sup> Extracted from the Parliamentary Return C.—6158.

Note.—Passenger guards are omitted: the figures are either *nil* or trifling in all cases.

